IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, VS AMSTED INDUSTRIES, INC., d/b/a AMERICAN STEEL FOUNDRIES, Defendant.	CIVIL ACTION C87-1284B JUDGE LAMBROS

I hereby certify that I have read the foregoing transcript of my deposition given on the 9th day of April, 1990, at the time and place aforesaid, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition given as aforesaid, with correction sheet(s).

_____ correction sheet(s) attached.

_____
WILLIAM MUNO, Deponent

SUBSCRIBED AND SWORN TO
before me this ____ day
of _____, 1990.

_____
NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION C87-1284B
VS	)	JUDGE LAMBROS
	)	
AMSTED INDUSTRIES, INC., d/b/a AMERICAN STEEL FOUNDRIES,	)	
	)	
Defendant.	)	

The deposition of WILLIAM MUNO, called by the defendant for examination, pursuant to notice and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Bernard Lake, Certified Shorthand Reporter and Notary Public within and for the County of Cook and State of Illinois, at 230 South Dearborn Street, Chicago, Illinois, on Monday, the 9th day of April, A.D. 1990, commencing at the hour of one o'clock p.m.

A P P E A R A N C E S:

UNITED STATES DEPARTMENT OF JUSTICE
230 South Dearborn Street
Chicago, Illinois 60604, by
MS. KATHLEEN SUTULA
and
MR. RICHARD CLARIZIO,

Appeared on behalf of Plaintiff;

MESSRS. SQUIRE, SANDERS & DEMPSEY
Bancohio National Plaza
155 East Broad Street
Columbus, Ohio 43215, by
MR. PHILIP C. SCHILLAWSKI,

Appeared on behalf of Defendant;

MR. EDWARD J. BROSIUS
205 North Michigan Avenue
Chicago, Illinois 60601

Appeared on behalf of Defendant
Amsted Industries, Inc.

I N D E X

WITNESS:

MR. SCHILLAWSKI: Mr. Muno, my name is Phil Schillawski and I am an attorney representing Amsted Industries, Inc., in civil litigation brought by United States of America in the Northern District for the State of Ohio.

W I L L I A M M U N O

called as a witness on behalf of the defendant, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SCHILLAWSKI:

Q Could you please spell your name for the court reporter?

A My name is William E. Muno, M-u-n-o.

Q Mr. Muno, did you review any documents in preparation for this deposition?

A No, I didn't.

Q Did you have any meetings with anyone to discuss your testimony in this deposition?

A I had lunch with Rich and Kathy today.

Q Did you have any meetings with anyone when an attorney was not present to discuss your testimony in this deposition?

A No, I didn't.

Q Mr. Muno, if you could, I would like you to run through your educational background for me, beginning with high school graduation, please.

A Okay. I graduated in 1967 from Loyola Academy in Wilmette, Illinois.

I graduated in 1971 from the University of Notre Dame with a bachelor's degree with honors in chemical engineering.

I graduated in 1973 from Northwestern University with a master's degree in chemical engineering. And I am a registered professional engineer in Illinois.

Q Beginning with your first employment following college, could you please run down your job history for us?

A I started working for U.S. EPA in April of 1973 and have worked for EPA since.

In U.S. EPA I have had a number of enforcement and permanent responsibilities, originally in the water program and most recently in the RCRA program.

Since the -- December of 1984, I have been chief of the RCRA enforcement branch.

Q Is that the position that you currently

hold?

A Yes. I am currently chief of the RCRA enforcement branch. I am also acting head of the Officer RCRA.

Q In the course of your job duties with U.S. EPA, are you the superior to Catherine McCord?

A I am her second line supervisor.

Q Do you have any direct supervisory responsibility for Ms. McCord?

A Only as a second line supervisor.

Q Have you exercised any direct supervision over Ms. McCord or had any discussions with her relating to the Amsted-American Steel Foundries facilities in Alliance and Sebring Township, Ohio?

MS. SUTULA: Objection, unless you specify outside the presence of legal counsel to those conversations.

BY MR. SCHILLAWSKI:

Q Have you had any direct supervisory responsibility or discussion with Catherine McCord regarding the Amsted-American Steel Foundries facilities in Alliance, Ohio, and Sebring Township, Ohio, outside of the presence of legal counsel?

A Yes, I have.

Q Can you please relate what the substance of those discussions were?

A I don't have any specific recollections of that, but I certainly do recall that,as case development work was ongoing, that I had had meetings with her, her supervisor, to discuss the progress of the case and to discuss certain aspects of the case as they would come up.

Q Did you have any part in the process of hiring Catherine McCord as a U.S. EPA employee?

A Only to the degree that the Ohio-Minnesota Section Chief at the time told me that he was going to hire a person who was a former Ohio EPA employee, gave me a little description of her background and basically wanted to know if I had any objections.

I told him at the time I did not.

Q Did you interview Catherine McCord prior to her employment at all?

A No, I didn't.

Q Who is -- was the Ohio-Minnesota Section Chief who discussed Catherine McCord's employment with you?

A His name was James B-r-o-s-s-m-a-n.

Q How did Catherine McCord become the

inspector or lead enforcement person for U.S. EPA for the American Steel Foundries facilities in Alliance and Sebring Township?

A I would assume that Jim Brossman assigned a number of cases to her, ASF being one of them.

Q Did you take any part in the assignment of Ms. McCord's duties in terms of getting -- including American Steel Foundries?

A No, I didn't.

Q Did you instruct Ms. McCord to obtain American Steel Foundries file materials that Ohio EPA had in their files?

A No, I didn't.

Q Do you know if Ms. McCord brought any file materials relating to American Steel Foundries with her from Ohio EPA when she became a U.S. EPA employee?

A No, I didn't.

Q At any time, did you discuss the sampling inspection which was conducted on August 6th and 7th, 1986, at American Steel Foundries in Alliance and Sebring Township, Ohio, with Ms. McCord when legal counsel was not present?

A I believe that, in terms of normal case

development activities, if some activity like that was going to occur, they would have discussed it with me, so I don't have any specific recollections of that discussion, but I was fairly certain that something like that would have occurred. It would be a standard practice within the operation of the RCRA enforcement branch.

Q Did you have any discussions with Ms. McCord or other U.S. EPA employees regarding the scheduling of the August 6th and 7th, 1986, discussion when legal counsel was not present?

A Nothing that I can recall in terms of scheduling.

Q Did you have any discussions as to why the August 6th and 7th, 1986, sampling inspection was to be conducted, again legal counsel not being present?

A Yes. My understanding was that we needed to do some additional case development work at the request of, I believe, the Department of Justice.

Q Did you review the results of the August 6th and 7th, 1986, sampling inspection with Catherine McCord or other people?

A No, I didn't.

Q At any time did you discuss the representativeness of various samples taken during the August 6th and 7th, 1986, sampling inspection with Ms. McCord or other U.S. EPA personnel while legal counsel was not present?

A Not that I can recall.

Q Are you familiar with a subsequent sampling inspection at American Steel Foundries, Alliance and Sebring Township, which was conducted by an outside contractor?

A No, I am not. I don't have a recollection of the subsequent inspection.

Q Did Ms. McCord ever request or suggest to you additional inspections of any Amsted Industries facilities beyond those that would normally be planned under an ongoing inspection program for those facilities?

A No, she didn't.

Q Did Ms. McCord ever request or suggest any step-ups in enforcement action at any Amsted facilities beyond those normally scheduled for those facilities?

MS. SUTULA: Objection.

MR. SCHILLAWSKI: You may answer.

BY THE WITNESS:

A No.

BY MR. SCHILLAWSKI:

Q If I can get a little bit of background information.

What is the normal process by which a site or entity would be referred for judicial enforcement action?

A Generally the staff people that are assigned to cases, if they feel that the violations are serious enough or if there was some particular enforcement initiative that is underway, they would discuss them with their first line supervisor. If the first line supervisor felt that a particular case had merit as a civil referral, that would then be discussed with me for my concurrence.

Q Was that the process which was followed for the referral of the American Steel Foundries facilities in Alliance and Sebring Township?

A Yes, it was.

Q Who made the first recommendation to the first supervisor level for that referral?

A I would assume it would have been Catherine McCord since she was the case assignee.

Q Was James Brossman the first line supervisor who then discussed it with you?

A I think -- Yes, he was. We probably would have discussed it collectively, the three of us, and probably -- maybe at that stage also would have brought somebody in from Regional Counsel.

Q Prior to the referral of the American Steel Foundries, Alliance and Sebring Township facilities, were you aware of inquiries made by American Steel Foundries to Ohio EPA regarding the propriety of their mixing process for Electric Art Furnace dust and clarifier underflow slurry?

A No.

Q Did Ms. McCord outline the activities that were being conducted in terms of mixing of EAF dust and clarifier underflow slurry at American Steel Foundries, Alliance, to you prior to the referral?

A I don't have any specific recollection of that conversation, but I am sure that would have been something that would have been discussed in the course of the case development process.

Q Would there be any notes in the file anywhere at U.S. EPA which would reflect the substance of that conversation?

A No. I generally don't take notes of those types of conversations.

Q Did Catherine McCord ever request or suggest to you that inspections or other actions be taken with respect to any Amsted facilities under programs other than the Resource Conservation Recovery Act?

A No.

T2 Q Are you aware of any request that may have been made by Catherine McCord to anyone else within the U.S. EPA for inspections or other action under other programs than RCRA?

MS. SUTULA: Objection.

BY MR. SCHILLAWSKI:

Q You may answer.

A If that was done, it wasn't discussed with me.

Q Was a RCRA penalty worksheet prepared for the American Steel Foundries facilities at Alliance and Sebring Township, Ohio?

MR. CLARIZIO: Objection. We haven't identified Mr. Muno as a person to talk about specifics of protocol and specifics of policy as applied to Amsted. We only identified him as a person

to talk generically about policy, so if you would like to ask him generic questions, that is fine.

MR. SCHILLAWSKI: My understanding was that you were identifying Mr. Muno as a witness to discuss penalties.

MR. CLARIZIO: Penalty policy generically, not as it applies to a particular facility.

BY MR. SCHILLAWSKI:

Q Mr. Muno, is it part of your duties in the normal course, to be involved in determinations of proposed or -- is it part of your duties to become involved in determination of proposed penalties for various sites for which enforcement action has been recommended?

MR. CLARIZIO: Objection. Is that for administrative or judicial?

MR. SCHILLAWSKI: Let's talk administrative first.

BY THE WITNESS:

A As a part of my supervisory responsibilities, I would conduct a review of proposed penalty calculations that one of the staff people was recommending to be imposed against a facility.

BY MR. SCHILLAWSKI:

Q Is that also true for judicial enforcement action?

A Yes, it is.

Q Is it part of your duties to review the calculation process of the penalty for performance with the RCRA penalty policy of U.S.EPA?

A I review the penalty, the proposed penalty calculations, to see that again they are generally consistent with the purposes intended of EPA civil policy.

Q Was that review done for the Alliance and Sebring Township facilities of American Steel Foundries?

MR. CLARIZIO: Objection. The issue of penalties is not appropriate here. We have sought the full amount of the particular penalties under the complaint of $25,000 per day.

What we are going to seek of the Judge and what the Judge decides is up to him, not the specifics here.

It is not appropriate right now.

BY MR. SCHILLAWSKI:

Q Mr. Muno, is it the normal practice of U.S. EPA to prepare penalty worksheets and make

those worksheets available to the defendant in administrative enforcement actions?

A In administrative enforcement actions, penalty calculations are done and those figures are included in the administrative complaint for the judicial cases. We may prepare a penalty calculation for the context of settlement, but when we file a case, we include the statutory maximum penalty amounts.

MR. SCHILLAWSKI: Can we have a short break here for a conference?

MR. CLARIZIO: Sure.

(Pause)

BY MR. SCHILLAWSKI:

Q Mr. Muno, we have a couple of more questions here.

First continuing in the generic settlement area, is it your normal duty to review the penalty calculations that are prepared for settlement negotiations in a judicial enforcement referral?

A Yes, it is.

Q And did you review the penalty calculations that were done for settlement negotiations for

American Steel Foundries facilities?

A I don't have any specific recollection of doing that, but I would say that it is most likely that that would have occurred.

Q If we can change topics a little bit here.

The -- well, let me ask you a general question.

Is it normal for U.S. EPA to conduct a RCRA sampling inspection in August and then do another sampling inspection in January, to be followed in January?

MS. SUTULA: Objection. Have you -- will you define "normal"?

BY MR. SCHILLAWSKI:

Q Is it the general practice of U.S. EPA to conduct a sampling inspection in August and then conduct a second sampling inspection to be followed in January for any given facility?

A I would say that in a context of enforcement case development, doing repeated sampling inspections are not that unusual.

Q Is it typical to -- or general to bring in a contractor to conduct the second inspection?

A Yes. In fact, simply because EPA doesn't have a lot of sort of in-house staff that can do large numbers of sampling inspections, it is quite often the case where we will use contractors to supplement our own staff to carry out a number of inspections so that contractors, I would say, more often than not are the ones who do sampling inspections in the RCRA program.

Q And is it -- What is the policy when the contractor's results would show no violations whereas a previous EPA inspection might have?

MS. SUTULA: Objection.

BY THE WITNESS:

A I would say that it is a case of looking into the underlying operating conditions or the parameters under which the inspection was done to see if there was some explanation for the differences.

BY MR. SCHILLAWSKI:

Q Was this type of inquiry done with regard to the August 6th and 7th, 1986, sampling at American Steel Foundries on the follow-up inspection by the contractor in that subsequent January inspection?

A I have --

MS. SUTULA: Objection, but go ahead.

BY THE WITNESS:

(Continuing) -- I have no recollection of that, because I was not aware that the second inspection was done.

BY MR. SCHILLAWSKI:

Q Are you aware of why -- or rather how the final decision was made to file the judicial enforcement action against American Steel Foundries if you were not aware that there was a second sampling inspection?

A Yes, I am aware of why we decided to go with a civil referral for this case.

Q Why was that?

MS. SUTULA: Objection. Would you put in the qualifications and find out if he is aware from legal counsel or otherwise? If it is not legal counsel he can testify, Phil.

BY MR. SCHILLAWSKI:

Q Are you aware. based solely on discussions with legal counsel, or is there some other mechanism for your awareness of the reason why American Steel Foundries was referred?

A I think that actually there were discussions

solely within the RCRA enforcement program, and then also I think discussions collectively when Regional Counsel was involved initially.

Q Let's just take the discussions that were had completely in-house with no counsel present.

Was the conclusion made at those discussions for American Steel Foundries to be referred?

A Yes, it was.

Q What was the reason for that?

A The reason was that hazardous waste was -- continued to be disposed of in a landfill that lost interim status after November 8th of 1985. If in fact it ever had interim status prior to that date.

Q Do you recall whether or not the review of the sampling inspections was discussed as part of these meetings?

A I don't have any specific recollection on the results of the sampling inspections per se, but certainly there was discussions that hazardous waste was being disposed of in a landfill, so that obviously that concluded that there was some evidence that the material being disposed of in the landfill was a hazardous waste.

Q Were there any concerns raised in these discussions regarding the possible problems with representativeness of samples taken at any of the sampling inspections?

MS. SUTULA: Objection. Again, are you still limiting the questions to non-attorney?

MR. SCHILLAWSKI: Yes. These are solely discussions that you had with U.S. EPA personnel without counsel present.

MR. CLARIZIO: Or without the direction of counsel?

MR. SCHILLAWSKI: Or without the direction of counsel.

BY THE WITNESS:

A No, I have no recollection of any discussions regarding the representativeness of the samplings.

BY MR. SCHILLAWSKI:

Q Thank you. Mr. Muno, have you ever discussed the provision of the RCRA regulations that mixture of a characteristic hazardous waste with another solid waste, the mixture with which does not test characteristically hazardous means that the mixture is not regulated as a hazardous waste,with Catherine McCord?

A I am sure that I have, in the context of her employment at U.S. EPA. That is very common regulatory interpretation questions that come up.

Q Has Caterine McCord expressed to you any opinion that she has as to the soundness of that rule?

A No, she hasn't.

MR. SCHILLAWSKI: Well, Mr. Muno, I think those are all of the questions I have for you.

I would like to thank you for taking your time to be here.

MS. SUTULA: We will advise you not to waive your signature. When it is transcribed, you will get a copy of it.

THE WITNESS: All right, fine.

(Witness excused.)

(Signature reserved.)

FURTHER DEPONENT SAITH NOT.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, VS AMSTED INDUSTRIES, INC., d/b/a AMERICAN STEEL FOUNDRIES, Defendant.	CIVIL ACTION C87-1284B JUDGE LAMBROS

I hereby certify that I have read the foregoing transcript of my deposition given on the 9th day of April, 1990, at the time and place aforesaid, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition given as aforesaid, with correction sheet(s).

_____ correction sheet(s) attached.

_____
WILLIAM MUNO, Deponent

SUBSCRIBED AND SWORN TO
before me this ____ day
of _____, 1990.

_____
NOTARY PUBLIC

UNITED STATES OF AMERICA)
NORTHERN DISTRICT OF ILLINOIS)
EASTERN DIVISION) SS.
STATE OF ILLINOIS)
COUNTY OF COOK)

I, BERNARD LAKE, Certified Shorthand Reporter and Notary Public in and for the County of Cook and State of Illinois, do hereby certify that WILLIAM MUNO was first duly sworn to testify the whole truth and that the above deposition was recorded stenographically by me and was reduced to typewriting under my personal direction.

I further certify that the said deposition was taken at the time and place specified and that the taking of said deposition commenced on the 9th day of April, A.D. 1990, at the hour of one o'clock p.m.

I further certify that after said testimony had been so transcribed, it was submitted to the witness for examination, together with a deponent signature page provided herein, to be read and signed by him.

I further certify that the taking of this deposition was pursuant to notice and there were present at the taking of this deposition counsel as hereinbefore set forth.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor financially interested directly or indirectly in this action.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal this 23rd day of April, A.D. 1990.

BERNARD LAKE, CSR and Notary Public, Cook County, Illinois

Thea L. Urban
REGISTERED PROFESSIONAL REPORTER
19 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603
(312) 782-3332

6 February 1990

Mr. Kurt Weissmuller
Mr. Richard Clarizio
Mr. Philip C. Schillawski

Re: Case No. C 87-1284A
United States of America v. Amsted Industries, Inc., d/b/a American Steel Foundries
Deposition of Mr. Charles A. Ruud

Dear Counsel:

Enclosed is the errata sheet containing changes and corrections made by Mr. Ruud to his deposition taken at Chicago, Illinois on September 15, 1989, together with a copy of the signed and notarized signature page.

The original transcript was returned to me by Mr. Ruud in early December, 1989.

Thank you for calling me to assist you in this matter.

Sincerely,

Thea L. Urban

TLU
Enc.

cc Mr. Geoffrey K. Barnes
Mr. Edward J. Brosius
File

Since 1902 LEADERSHIP AND SERVICE ASF

American Steel Foundries

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DIRECT DIAL NUMBER
(312) 938- 4018

November 27, 1989

Ms. Thea L. Urban
Registered Professional Reporter
19 So. LaSalle Street
Chicago, IL 60603

Dear Ms. Urban:

Enclosed please find the transcript of my deposition and one page of changes and corrections.

Yours very truly,

Charles A. Ruud
Manager-Quality &
Environmental Affairs

CAR:ph
Enc. (1)

cc: PCS - SS&D, Columbus Change only
GKB - SS&D, Cleveland " "
EJB - AMSTED

Thea P. Urban
REGISTERED PROFESSIONAL REPORTER
19 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603
(312) 782-3332

AMENDMENT TO DEPOSITION

The Witness, Charles A. Ruud, states he wishes to make the following changes/corrections in testimony as originally given:

PAGE	LINE	SHOULD READ	REASON
120	21	...appropriate level which is not.....	correct word
125	14	John Oesch	Correct spelling
125	15	Before John Oesch I don't know....	clarification
138	9	Floor sweepings, clods of sand....	correct word
138	11	...brought to became the waste	clarification
138	12	sand clods of sand are not EAF dust.	clarification
139	5	...in certain cores in certain...	correct word
156	20	A RCRA type closure...	correct word

SUBSCRIBED AND SWORN to before me this 27 day of November, A.D. 19 89.

Charles A. Ruud
Signature of Deponent

Pamela S. Curatolo
Notary Public

"OFFICIAL SEAL"
Pamela S. Curatolo
Notary Public, State of Illinois
My Commission Expires Jan. 20, 1990

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,	)	
vs.	)	No. C87-1284A
AMSTED INDUSTRIES, INC., d/b/a AMERICAN STEEL FOUNDRIES, Defendant.	)	

This is to certify that I have read the transcript of my deposition taken in the above-entitled cause, and that the foregoing transcript accurately states the questions asked and answers given by me.

Charles A. Ruud

CHARLES A. RUUD

SUBSCRIBED AND SWORN TO
before me this 27 day
of November, A.D. 1989.

Pamela S Curatolo

"OFFICIAL SEAL"
Pamela S. Curatolo
Notary Public, State of Illinois
My Commission Expires Jan. 20, 1990

Thea L. Urban
REGISTERED PROFESSIONAL REPORTER
19 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603
(312) 782-3332

28 September 1989

Mr. Philip C. Schillawski
Squire, Sanders & Dempsey
155 East Broad Street
Columbus, Ohio 43215

Re: Case No.C87-1284A
United States of America v. Amsted Industries, Inc., d/b/a American Steel Foundries
Deposition of Mr. Charles A. Ruud

Dear Mr. Schillawski:

Enclosed with your copy is the original transcript of testimony taken in the above-entitled cause on September 15, 1989 at the deposition of Mr. Charles A. Ruud.

I appreciate your help in submitting the transcript to the deponent for reading and signing, noting any corrections or changes on the enclosed errata sheets, and thereafter returning the original to me, signed and notarized, with any changes, for follow-up.

Also enclosed are a copy of the exhibits marked at the deposition proceedings.

Sincerely,

Thea L. Urban

TLU
Enc.

cc Mr. Kurt Weissmuller
Mr. Richard Clarizio
Mr. Geoffrey K. Barnes
Mr. Edward J. Brosius
File

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,	)	
vs.	)	No. C87-1284A
AMSTED INDUSTRIES, INC., d/b/a AMERICAN STEEL FOUNDRIES, Defendant.	)	

The continued deposition of CHARLES A. RUUD, called by the Plaintiff for examination pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Maureen K. Nagle, Certified Shorthand Reporter and Notary Public within and for the County of Cook and State of Illinois at 111 West Jackson Boulevard, Suite 300, Chicago, Illinois, on the 15th day of September, A.D., 1989.

ORIGINAL

APPEARANCES:

MR. KURT WEISSMULLER,
(U.S. Department of Justice)
Washington, D.C. 20530
On behalf of the Plaintiff;

MR. RICHARD CLARIZIO,
(U.S. Environmental Protection Agency)
230 South Dearborn Street
Chicago, Illinois 60604
On behalf of the Plaintiff;

MR. GEOFFREY K. BARNES,
(Squire, Sanders & Dempsey)
1800 Huntington Building
Cleveland, Ohio 44115
On behalf of the Defendant;

MR. PHILIP C. SCHILLAWSKI,
(Squire, Sanders & Dempsey)
155 East Broad Street
Columbus, Ohio 43215
On behalf of the Defendant;

MR. EDWARD J. BROSIUS,
(Amsted Industries, Inc.)
205 North Michigan Avenue
Chicago, Illinois 60601
On behalf of the Defendant.

* * * * *

ALSO PRESENT:

EUGENE F. MEYER

I N D E X

WITNESS:

CHARLES A. RUUD

E X H I B I T S

(Witness previously sworn.)

MR. WEISSMULLER: This is a continuation of the deposition of Mr. Charles Ruud.

Mr. Ruud, you were sworn earlier during the first part of this deposition. I would just like to tell you that that is continuing on through this segment.

MR. SCHILLAWSKI: I would like to re-express all the continuing objections that I raised in the last segment so we don't have to waste the time here doing it again.

WHEREUPON:

CHARLES A. RUUD

called as a witness herein, having been previously duly sworn, was examined upon oral interrogatories and testified further as follows:

DIRECT EXAMINATION

(Continued)

by Mr. Weissmuller:

Q. Mr. Ruud, have you reviewed any documents or discussed this deposition with any attorneys since the last segment was taken?

A. Yes.

Q. Do you have with you the documents that you

reviewed in preparation for this segment of your deposition?

A. Yes. It is the same ones as I had last time.

Q. We have already received those, so there is no need.

Have you had discussions with any persons other than those you mentioned in the last segment of the deposition?

A. No.

MR. SCHILLAWSKI: Can we clarify as to whether they are relating to the deposition? I'm sure he has talked to other people.

MR. WEISSMULLER: Right.

BY MR. WEISMULLER:

Q. Mr. Ruud, are you familiar with sampling methods that are cited in Appendix I 240 CFR Section 261?

A. Not specifically.

Q. Sorry, I think that is Appendix 1 240 CFR Section 261.

A. Not specifically.

Q. Are you aware of any training conducted by Amsted for the personnel that takes samples for the company?

A. No, I'm not.

Q. Do you know of anybody at the facility or at Amsted who might have some knowledge as to any training that's given to samplers?

A. No.

Q. Do you know whether American Steel Foundries or Amsted have a written practice of how employees are to mix sludge and slurry -- Let me rephrase that.

Do you know of a written practice at ASF regarding how employees are to mix electric arc furnace dust with clarifier slurry?

A. I don't recall.

Q. We are talking again now about the time period between 1980 and 1986 or 1987, whenever it was that ASF stopped mixing the dust and slurry and transporting it to the landfill.

Are you aware of any written procedures or guides or anything that Amsted employees relied on in performing that function?

A. I don't remember.

Q. Do you know of anybody who might know about such instructions if they did exist at the facility?

A. Yes.

Q. Who would those persons be?

A. The works engineer.

Q. Who is the works engineer presently?

A. Paul Limbach.

Q. Was he in that same position from 1980 to 1987?

A. No.

Q. Who was the works engineer or engineers in 1980 through '87?

A. Going back it would be easier for me to respond. David Statler, Ray DeGeralamo [phonetic], Wilbur Borton, and I believe that would cover the period.

Q. Is there any method or any means to insure that when the electric arc furnace dust is added to the torpedo car which contains the slurry that that combination is mixed so that it becomes homogeneous?

A. No.

Q. Is there any mixing device in this tank similar to say a cement mixer which would stir up the slurry and the dust after they are put into the tank?

A. No.

Q. Is the tank put on to any system that can shake it, turn it upside down, and contribute to mixing of the two materials?

A. Yes.

Q. What is that?

A. The truck.

Q. The truck on which the roll-off container is placed?

A. Yes.

Q. Would that mixing occur in the normal course of driving the truck from the ASF foundry to the landfill?

A. Yes.

Q. Are there any measures taken to insure that the electric arc furnace dust and slurry mixture is 36 to 1 in ratio?

A. Yes, there were measures taken, from what I understand, to assure that the mixture was as we wanted it, 36 or greater to 1.

Q. What were the measures? Could you describe those, please?

A. During the normal course, the tank car, torpedo car, would be filled pretty full to the appropriate area which is not specific but full. You do not take empty trucks to the landfill. There was a timer type of device that was actuated that would allow so much material to be placed into the truck.

Q. That is the only method that is used to insure that the ratio is 36 to 1?

A. That's all I recall, yes.

Q. Are there any markings on the outside of the torpedo car which would show when the car is full or when it is half full?

A. I don't know.

Q. You are not familiar with any transparent portion of the torpedo car where an observer from the outside can see the level either rising or declining inside the car?

A. No.

Q. At what time did ASF start to use these measures that you just described to insure that the ratio was 36 to 1?

A. As far as I know, they were always in place.

Q. At least from 1980 until 1987?

A. I don't recall a specific start date of the practice. I don't really know when it was started. I do know when it was stopped, and that was in May of '87. That's what I understand to be the practice, yes.

Q. When the torpedo car was loaded with dust, was a date placed on this torpedo car or tank when that dust was loaded?

A. When the dust was put in the torpedo car with the slurry, no, I do not -- I'm pretty sure that there was no date placed on it.

Q. Was a date placed on the roll-off container or torpedo car after ASF stopped mixing the slurry and the dust?

A. Would you repeat it? Did we put a date on the torpedo car?

Q. Right.

A. No, I don't believe so. No.

Q. Let me make sure that this is clear.

After May of '87, did ASF still use the torpedo car to transport electric arc furnace dust?

A. No.

Q. Does ASF use a different container or truck or vessel to transport electric arc furnace dust today?

A. ASF does not transport electric arc furnace dust.

Q. Does a company, a trucking company or another transporter, transport it for ASF?

A. Yes.

Q. Is their truck used in that transport?

A. Yes.

Q. Does ASF have any responsibility for marking

the truck or for loading it or any other responsibilities for when that truck is there at the facility?

A. A container is placed under the baghouse. A sign on either side of the container is placed there, and it has a date that says when the empty trailer or container was placed there. Daily the baghouse is emptied, the material put in the container.

Q. Is the container marked with a date when the dust is placed into it?

A. There is a date that says when the container was placed there and would have been the first day dust is placed into it, yes.

Q. The first day?

A. The first day.

Q. Is this container marked with the words hazardous waste?

A. Yes.

Q. How long is the container stored on site at the ASF facility before it is moved?

A. Exactly the number of days, I do not know. I believe it takes approximately two to three weeks to fill the container.

Q. Then after it is filled, it is removed

immediately or is it at the facility for a few days, a week?

A. The truck is immediately -- an empty container is brought in by the firm, and the full truck is removed immediately.

Q. Let's go back to the time between 1980 and May of '87. Was the torpedo car marked with the words hazardous waste when it was loaded with electric arc furnace dust?

A. No.

Q. How long would the torpedo car remain under the baghouse or on the foundry property before it was taken to the landfill?

A. Only a very short period of time. Perhaps, I'm guessing, ten minutes.

Q. How long did it take to close the torpedo car after dust was added to it?

A. Would you define close?

Q. Well, was there a hatch or any other opening on the top of the car where the slurry and dust were added?

A. There is an opening in the top of the torpedo car.

Q. Is there a method of closing that?

A. I don't know.

Q. Have you ever seen anybody climb to the top of the torpedo car and close it in any way?

A. No.

Q. Would the people in the yard department know about whether the torpedo car has a way of being sealed or closed?

A. I don't know.

Q. Who at the facility would know about the description of the torpedo car?

A. The plant superintendent.

Q. What is the plant superintendent's name for the time period 1980 through May of '87?

A. Again, I'll start going backwards. John Ashe [phonetic] -- I don't know who was the superintendent. He began, I think, in '82, '83. I don't know who he preceded. I don't recall.

Q. Is the container that's presently used to collect electric arc furnace dust one which can be closed and sealed?

A. Yes.

Q. Was the torpedo car stored anyplace on the foundry site before it was taken off the foundry property for disposal?

A. Would you clarify that, please?

Q. Between 1980 and May of '87, after the torpedo car had been loaded with both dust and slurry, was it stored anywhere on the site at the foundry before it was taken to Sebring?

A. To my knowledge, no, they weren't. It was immediately taken to the landfill.

Q. The container that's used today to collect electric arc furnace dust, is that stored anywhere on site before it is taken away for disposal or reclamation?

A. The container is beneath the baghouse and rests there until the container is full, and then it is taken away by the hauler.

Q. Are more than one container stored in that area by the baghouse today? By today, I mean since Amsted or ASF has started to ship the electric arc furnace dust outside for reclamation.

A. No.

Q. At the time between 1980 and May of '87, did ASF store more than one torpedo car in the area of the baghouse?

A. They did not store any torpedo cars in the area of the baghouse.

Q. Was more than one torpedo car ever filled with electric arc furnace dust simultaneously?

A. If you mean -- Well, you may want to clarify that. I'm not sure exactly the meaning of the question.

Q. In the earlier part of this deposition, you mentioned that when tanks were filled with slurry there was a pipe that came out of the building and there was a device which could allow this pipe to move horizontally from one torpedo car to another as it loaded slurry into those cars. Is there a similar system used over at the baghouse to load the dust into these cars?

A. No.

Q. During 1980 through May of '87, was the baghouse area in and around where the torpedo cars were placed for loading ever inspected by ASF personnel or an outside firm?

A. Inspected for what?

Q. For hazardous waste or contamination in the area.

A. I know of no specific incidents other than perhaps inspections in concert with an outside agency such as the OEPA. I'm certain management people

periodically review all areas of the facility for housekeeping practices.

Q. At the time between 1980 and May of '87, was there any spill control or decontamination equipment near the baghouse?

A. I'm not sure.

Q. Who would be sure of that?

A. I don't know. Perhaps the plant superintendent.

Q. Was any spill control or decontamination equipment near the area where ASF stored barrels into which dust had been placed for recharge?

A. I'm not sure. I believe the equipment that we utilized if it ever came up, it was handy. It was perhaps a shovel, things of that nature.

Q. What part of the facility was used to store the barrels of dust during the period where ASF was recharging the dust?

A. The drums were placed in the inside of the building that would be called the scrap bay area.

MR. WEISSMULLER: Let's go off the record for a minute.

(Discussion had off record.)

MR. WEISSMULLER: Back on the record.

BY MR. WEISSMULLER:

Q. Mr. Ruud, I'm handing you Exhibit A which was used in the August 30 segment of the deposition. Can you draw --

MR. SCHILLAWSKI: Can we clarify first that this is a copy of the Exhibit A that we used?

MR. WEISSMULLER: Correct.

BY MR. WEISSMULLER:

Q. Can you draw on there where these drums were stored? If you would just put a circle and put the letter Z for zebra in there.

(Witness marks document.)

BY THE WITNESS:

A. I believe it was right here inside this (indicating) in a building.

BY MR. WEISSMULLER:

Q. That is near the baghouse area; is that right?

A. Yes. The baghouse is right here, and they were placed right there (indicating).

Q. The baghouse is where you earlier marked the letter G?

A. That's correct.

Q. Your description of this equipment then would be the shovel was kept in the area. Was there any

other types of decontamination equipment near there?

A. Well, I don't know of decontamination equipment. There were, I believe, shovels available to those people filling the drums.

Q. Were respirators available to those people?

A. The employees filling the drums with electric arc furnace dust were required to wear respiratory protection.

Q. Were employees required to wear respiratory protection during 1980 and 1987 when electric arc furnace dust was placed into the torpedo car?

A. I believe that was the requirement as is for any employee exposed to potential -- potentially exposed to dusty conditions. That is the plant requirement, yes.

Q. Were bags of lime available in the drum storage area after May of 1987?

MR. SCHILLAWSKI: All of this is after the Complaint dates, and there hasn't been an amendment of the Complaint, and I just want to, again, raise a continuing objection to all this nonrecord material.

BY MR. WEISSMULLER:

Q. You can answer the question.

A. Would you restate it, please.

MR. WEISSMULLER: Read it back.

(Requested question read.)

BY THE WITNESS:

A. To my knowledge, all lime is purchased in bulk form and is kept in hoppers, bins, if you will, storage silos.

BY MR. WEISSMULLER:

Q. Was that the practice between 1980 and '87, that lime was purchased and stored in silos?

A. I believe that to be true, yes.

Q. Where are those silos located at the facility?

A. (Indicating).

Q. Can you mark with a circle with the letter Y?

(Witness marks document.)

BY THE WITNESS:

A. Right there (indicating).

BY MR. WEISSMULLER:

Q. During the time from 1980 to May of 1987, was lime ever stored in any area near the baghouse or near the torpedo car where it was loaded with dust?

A. To my knowledge, no, it was not.

Q. Is that stored there today as ASF transports or has transported dust off furnaces?

A. Would you clarify the question, please?

Q. Sure. Is lime stored in the baghouse area today?

A. No.

Q. During 1980 through May of '87, did ASF have any arrangements with local police, fire, or any emergency response teams or hospitals whereby ASF would explain the use in handling electric arc furnace dust?

A. No, I'm not aware of any. Other arrangements have always been made with the local authorities for fire protection and the things of that nature as part of our normal course of operating business.

Q. Are your employees instructed on what action needs to be taken when there is a release of electric arc furnace dust into the environment or atmosphere?

A. Our employees have been trained in what to do in the event arc furnace dust is spilled.

Q. What is that instruction? What are they trained to do?

A. As I recall from our procedures, the first step would be to notify the supervisor. The supervisor makes a determination whether the emergency coordinator be notified. The material is picked up with shovels and placed back into the container that is utilized to hold the material.

Any limestone that may be discolored from contact with arc furnace dust, I believe, is to be put into 55-gallon drums and to be returned to the melted metals area for recharge into the next heat.

Q. Was this practice the same pre May of '87?

A. I don't know.

Q. The practice you just described, is that what is currently in place today at ASF?

A. Yes.

Q. Is it your testimony that you don't know whether that practice was in effect between 1980 and May of '87?

A. Yes, I do not know.

Q. Do you know who would have knowledge of that?

A. The plant superintendent or works engineer.

Q. Mr. Ruud, do you know who provides this training you just described?

A. At the present time, the yard foreman does that.

Q. Is there a training manual or anything written down concerning the training given?

A. Yes, there is.

Q. In what form is that? Is it a pamphlet? Is it one sheet of paper?

A. Several sheets of paper.

Q. Was that also used between 1980 and '87?

A. The current procedure was written subsequent to that date.

Q. Subsequent to May of '87?

A. Yes.

Q. Were there any procedures in place before May of '87?

A. Yes, but perhaps they may not have been written. I assume there were ways of handling the material that were verbally discussed.

Q. Is there any communication system near the baghouse, a telephone, speaker box, walkie-talkie, anything like that?

A. Yes.

Q. What's the purpose of that communication system?

A. The speaker box is primarily used for truck drivers in communication with the general office; and in the event of emergency, any employee in that area can go over and push the button and talk into it and provide instruction to the office which is approximately 50 feet away.

Q. Is there any written contingency plan as

required by Section 265.51 of the Code of Regulations which explains what would be done in response to a release of electric arc furnace dust?

MR. SCHILLAWSKI: Objection as it pertains to a licensed treatment storage and disposal facility, which our position is this isn't.

BY THE WITNESS:

A. We have a contingency plan that describes our procedures in the event of emergencies.

BY MR. WEISSMULLER:

Q. Did that contingency plan come into effect after May of 1987?

A. Yes.

Q. Does ASF have a designated emergency response coordinator?

A. You mean Alliance Works?

Q. Yes.

A. Yes.

Q. Who is that person?

A. The works engineer.

Q. When was that person designated as the emergency response coordinator?

A. The works engineer has traditionally been the emergency coordinator for the plant in all areas

including fire, in the event of a natural disaster, storm. It has always been that way to my knowledge. He also assumes the responsibility for -- as emergency coordinator under our contingency plan.

Q. Did ASF ever file any annual reports with EPA or OEPA regarding the amount of electric arc furnace dust it placed into the torpedo cars?

A. No. To my knowledge, there was no report.

Q. Are those reports filed today concerning the shipment of electric arc furnace dust?

A. Some report, the specifics of which are included the amount, location of where it is disposed, et cetera, is supplied.

Q. Is hazardous waste stored in any other area at the Alliance facility other than in the baghouse?

MR. SCHILLAWSKI: I object to characterizing in the baghouse as storage of hazardous waste.

BY THE WITNESS:

A. No.

BY MR. WEISSMULLER:

Q. Does the Alliance facility produce any solid waste other than the slag, the slurry, and the electric arc furnace dust?

A. Would you define solid waste? I assume you

mean the physical --

Q. Right, waste that is not liquid.

A. Besides electric arc furnace dust, the slurry, and slag, yes.

Q. What are those wastes?

A. Other dust from emission control devices as we discussed last time.

Q. As I recall, that dust was disposed of at the Sebring landfill?

A. Yes.

Q. Any other?

A. Spent foundry sand.

Q. Where was that disposed of?

A. At the landfill, to my knowledge.

Q. Is there any other material?

A. Not to my knowledge.

Excuse me, a point of clarification. Did you ask me if we generate any or dispose of it in the landfill?

Q. Both.

A. I was thinking in answering the question what was going into the landfill. We generate, obviously, miscellaneous trash, pallets, packaging materials, things of that nature.

Q. Those do not go into the landfill?
A. No, sir.
Q. You mentioned a little while ago that spent foundry sand goes into the landfill.
A. Yes.
Q. How do you know when the sand is spent?
A. It is my term for describing waste sand.
Q. What is waste sand?
A. Floor sweepings, clogs of sand that are separated in the sand system, certain collection points at the foundry that the debris is brought to the waste sand.
Q. Does this spent sand contain metals, metal particles?
A. There may be small pieces of steel and the like contained within the sand.
Q. Is the spent sand taken through your clarifier system or is spent sand disposed of prior to going through that system?
A. The clarifier is a waste water treatment system for the sand washer and some wet dust collectors. Waste sand does not go through the clarifier per se.
Q. Does it go through the sand washer?

A. At some point in its life cycle, I'm sure it did. The sand is reclaimed several times. The waste sand that is generated -- Typically, from my understanding of the way this system works, is that new sand is added in certain quarters in certain locations because product quality demands that new sand be used and a certain amount must spill out. That is what results as the waste sand.

Q. How long has ASF been using the landfill at Sebring?

A. I don't know exactly. Longer than I have been around, which was '80.

Q. So it was before 1980?

A. Yes.

Q. Was it then operative as a disposal facility in 1980 when you arrived there?

A. Yes.

Q. To your knowledge, have PCB-contaminated transformers ever been disposed of at the Sebring facility?

MR. SCHILLAWSKI: Objection as beyond the scope of the Complaint certainly.

You can answer.

BY THE WITNESS:

A. No.

MR. WEISSMULLER: That's not the standard, whether it is beyond the scope of the Complaint. The standard is whether it can lead to discoverable evidence and admissible evidence.

BY MR. WEISSMULLER:

Q. No, is that your answer?

A. No.

MR. SCHILLAWSKI: The standard for answering the question is whether it can lead to the discovery of admissible evidence. The standard for whether it is admissible is whether it is relevant which goes to the Complaint.

BY MR. WEISSMULLER:

Q. Do you know for a fact that PCB-contaminated transformers were never disposed of at Sebring?

A. Not for a fact.

Q. It is just that you don't know whether they were disposed of there?

A. In my experience and from what I understand, no PCBs were ever sent there. Whether one was placed there, I do not know.

Q. To your knowledge, has waste ever been

disposed of in the Sebring landfill that's been generated in connection with the primary production of steel?

A. From my experience when I became involved since sometime after 1980 to present, the only waste placed in our landfill has been that nonhazardous waste from our facility. No other sources were put there unless some neighbor came and dumped his trash on our property.

MR. SCHILLAWSKI: Can we get a break in?

MR. WEISSMULLER: Sure.

(A recess was taken.)

BY MR. WEISSMULLER:

Q. Let me return to clarify just a few things I asked you earlier, Mr. Ruud.

The communications system over at the baghouse, do you know about when that was installed?

A. No, I don't.

Q. Do you know whether it was installed pre 1987?

A. I believe it was, yes.

Q. Do you know who might know when that was installed?

A. I would assume the plant manager would know.

Q. Was the works engineer ever trained in how to

handle hazardous waste?

A. In a formal, out-of-the-plant seminar, no.

Q. Was he trained informally at the plant?

A. Yes.

Q. Could you describe what that training was?

A. It involved discussions about the regulations as they would apply to American Steel Alliance Works; what is required as far as provisions of the regulations as they apply; how to prepare manifests, annual reports when they are due; how to respond to inspections by governmental agencies; development of the contingency plan; various procedures that are to be followed. I think that fairly well covers it. There may be some other areas.

Q. Who trained the works engineer? Was that you or was that other people at the plant?

A. Kind of a combination of myself; general discussions with various members of management; attendance to industry organizations, meetings, things of that nature; talking with people in other industries, other plants, other companies.

Q. Is the emergency response coordinator available for 24 hours?

A. Yes.

Q. In the event that the emergency response coordinator goes on vacation or is otherwise unavailable, is there a replacement designated?

A. The contingency plan lists four or five persons that are ranked in the order on which they would be notified should the works engineer not be -- the emergency coordinator not be available.

Q. Is there a scale which can be used to weigh the torpedo car anywhere on the facility at Alliance?

A. Yes.

Q. Where is that scale and is it used to weigh the torpedo car at any time?

A. The scale is located in this area here (indicating).

Q. Could you mark that with a circle and a letter X on Exhibit A?

(Witness marks document.)

BY MR. WEISSMULLER:

Q. Between 1980 and May of '87, was the torpedo car put on that scale and weighed at any time?

A. I don't know.

Q. What is that scale used for?

A. I've seen it used to weigh trucks, I assume, of incoming material.

Q. What type of material?
A. The only trucks I've seen on it were scrap.
Q. You mentioned in the last segment of the deposition that the area underneath the baghouse was not paved; is that correct?
A. That's correct.
Q. There is limestone placed under that area by the baghouse?
A. That's correct.
Q. Why is it that there is no asphalt paving underneath the baghouse?
A. I don't know.
Q. Is there pavement in areas surrounding where the limestone is?
A. The primary plant roadways are paved.
Q. You don't know why it is that the area under the baghouse is not paved?
A. No.
Q. Do you know who would make a decision at ASF as to why that area should or should not be paved?
A. No.
Q. Can you describe for us the container that is presently used at ASF to transport the electric arc furnace dust? This is the container that is used after

the time ASF stopped recharging the dust and began to ship it off site.

A. The current container is actually a dump trailer, a trailer that is parked there and when it is full is attached to a tractor, over-the-road tractor.

Q. Does the trailer have a cover on the top of it?

A. Yes.

Q. Is it rectangular in shape?

A. Yes.

Q. It is square then as opposed to being round?

A. Yes. It is a truck trailer.

Q. It has got corners on it?

A. Right, yes.

Q. Do you know how big it is?

A. No. I could guess at 40 feet long.

Q. How is the dust placed into this container?

A. The tarp cover is rolled back, the flexible tube from the discharge point of the baghouse on the electric arc furnace is placed in the container, the screw conveyer switch is activated, and the material is discharged to the truck trailer until such time the baghouse is empty. At that point, the flexible tube is manipulated to drop any material that may be stuck to

the sides of it, it is pulled to the side, the cover is replaced, and the truck is closed up again.

Q. Who determines when the truck is full? Is that somebody at Alliance Works?

A. Yes, I believe so.

Q. Who would that person be?

A. Works engineer or one of his staff.

Q. Does American Steel Foundries keep any records of what is taken to the landfill?

A. Yes.

Q. What type of records are kept?

A. The only one I'm aware of is a weekly yard report.

MR. WEISSMULLER: I would like to mark an exhibit as Exhibit E.

(Document marked.)

BY MR. WEISSMULLER:

Q. Mr. Ruud, I've just handed you what's been marked as Exhibit E. Is this what you refer to as the weekly yard reports?

A. It looks like it.

Q. These are copies of various pages out of the weekly yard report which was produced pursuant to a discovery request. If you would just take a minute to

flip through these and familiarize yourself with these pages if you aren't already familiar with them. I would like to ask you a couple of questions about this.

(Witness peruses document.)

BY THE WITNESS:

A. Okay.

BY MR. WEISSMULLER:

Q. What does the yard department Dempster report refer to? That's in the upper left-hand corner of just about every page of this exhibit.

A. I think it is the report of the number of trips taken to the landfill to account for their time.

Q. What is a Dempster?

A. Dempster is the term that we've used to describe the roll-off type container, but the truck can handle those so we call it the Dempster, I guess.

Q. The Dempster is the same thing as the torpedo car that we have referred to earlier?

A. No. I think Dempster is the design of the type of roll-off container which could be an open-type hopper or a torpedo car.

Q. Other roll-off containers were used other than the torpedo car; is that right?

A. That's correct.

Q. Let's go to Page 3 of this exhibit. Beginning on the very top where it says total loads, do you see that column there?

A. Uh-hmm.

Q. That, I take it, is the sum of the loads that for that day, let's say February the 11th, 1985, have gone to the ASF dump; is that correct? There is a nine under ASF dump?

A. I don't know.

Q. On the exhibit in front of you, note the column that says ASF dump. Do you see that column?

A. Yes.

Q. What does the nine underneath it represent?

A. I don't know.

Q. Have you ever seen these yard reports before?

A. Twice.

Q. Do you have any responsibility in maintaining them?

A. No.

Q. Who does maintain these reports?

A. The yard department.

Q. Are you familiar with the term ASF dump? Do you know what that location refers to?

A. I assume it means our landfill.

Q. In Sebring?
A. Yes.
Q. Do you know what State Street refers to in the column next to ASF dump?
A. No.
Q. Do you know what the column fill to yard refers to?
A. No.
Q. How about the column which says scrap to 21?
A. I think 21 is the track that the scrap bay is on.
Q. The scrap bay being?
A. Melted metal scrap bay (indicating).
Q. Near area Z?
A. That is correct. I've heard the term used.
Q. Is that where scrap is brought into the facility?
A. Yes.
Q. Is that what these other tracks would refer to, No. 5 track, No. 10 track mud? Do you know what those columns represent?
A. I've heard the terms, 18 track, 21 track, et cetera, used at the facility. I assume that is what it means, locations.

Q. If you turn to Page 4 on this exhibit, please, again on the top there is a column that says Williamson's.

A. Yes.

Q. Are you familiar with what that refers to?

A. No.

Q. Where the column says scrap to pigpen, do you know what that refers to?

A. No.

Q. Do you know what the term on Page 5 of this exhibit Hughes Wrecking refers to?

A. No.

Q. If you could turn to the last page, please. Up on the top there is a column labeled gas well. Do you know what that refers to?

A. No.

Q. West branch?

A. No.

Q. How about Brogan?

A. No.

Q. Do you know who it is that's responsible for the maintenance of this log at the facility?

A. The yard department.

Q. Who in particular? Is there an individual who

is responsible to make entries on the log?

A. No, I don't know who that is.

Q. Do you know what this log represents? Is it a record of all waste shipment from the plant?

A. No, I don't think so. Certainly the arc furnace dust and things of that nature I don't see on here. Like for manifested waste, things of that nature, I don't know if it is or not.

Q. Can you turn to Page 5 of the exhibit. The fifth column from the right, there is a label that says, e-l-e-c, elec fur dust. Do you see that column?

A. Uh-hmm.

Q. Would that be the electric arc furnace dust that's produced by the electric arc furnace?

A. I don't know.

MR. WEISSMULLER: Can we mark this as Exhibit F, please.

(Document marked.)

MR. SCHILLAWSKI: Can we agree to have that exhibit stapled if it is going to be more than one page?

MR. WEISSMULLER: Yes.

BY MR. WEISMULLER:

Q. Are you aware of whether ASF has ever

performed an analysis of the items taken to the Sebring landfill?

A. Would you clarify the items and analysis?

Q. Yes. Has any chemical analysis been performed on the loads of electric arc furnace dust and slurry that were taken to the landfill?

A. Yes.

Q. Have analyses, chemical analyses which test for EP toxicity or any other hazardous waste, been performed on the other wastes that were sent to the Sebring landfill?

A. Yes.

Q. On what materials were these analyses performed?

A. What I recall is the slurry and dust, emission control dust from other sources, sand, broken cores as I recall.

Q. I believe in the last segment of the deposition we discussed tests that were done on the sand and on the electric arc furnace dust and the slurry mixture. Perhaps you could tell me how frequently tests were performed on the slurry dust mixture between 1980 and 1987?

A. I don't know the exact number. It was several

of them, many of them, that we had it performed on.

Q. Were they performed monthly or biweekly?

A. I don't know.

Q. Do you know who would know about the exact number of tests performed on these?

A. I guess I would if I counted them up.

Q. Were wastes ever segregated at the landfill?

A. Would you define segregated?

Q. Were the different wastes that were taken to the landfill by ASF dumped in different places?

A. To my knowledge, all the materials were placed there in the active area of the landfill.

Q. So the slurry would have been dumped in the same place as the slag and as the broken cores and as the sand?

A. Yes, I believe so.

Q. Would the spent sand have been dumped in the same place as just slurry?

A. Yeah, pretty much. Yes.

Q. The same holds true for the slurry and the electric arc furnace dust mixture?

A. Yes.

Q. Did Amsted or ASF ever install a ground water monitoring system at the landfill?

A. We installed monitoring wells.
Q. Do you know when?
A. Exactly, no. Around 1985, '84 or '85.
Q. How many wells, do you know?
A. There is four.
Q. Do you know whether these wells are up gradient of the ground water flow or down gradient of ground water flow?
A. I believe there is one up gradient and three down gradient.
Q. Do you know whether there is an upper and lower aquifer under the landfill?
A. No, I don't.
Q. Who sunk the wells for Amsted?
A. I don't know who sunk the wells. We had a consultant. He arranged for that.
Q. Who was that person or the consulting firm?
A. Bowser & Morner.
Q. Were you involved in the contracting or the acquisition of monitoring wells from Bowser & Morner?
A. No.
Q. Do you know who at the facility was?
A. Let's go back to that question. Would you clarify it?

Q. Well, I imagine that somebody at the facility had to contact Bowser and arrange with them to install the monitoring wells. I'm wondering if that was done by you or whether it was done by somebody else at the facility?

A. I personally did not contract with Bowser & Morner to install the wells. The company contracted with Bowser & Morner to do certain work which included installation of the wells.

Q. Do you know how many times these wells are monitored?

A. No.

Q. Do you know who at the facility would know as to the frequency of monitoring?

A. No.

Q. Do you know whether the monitoring wells or the water quality underneath the landfill comes under any department at ASF?

A. I don't quite understand.

Q. Is any department at ASF, the yard department or purchasing or the vice president himself, responsible for these monitoring wells and monitoring well program?

A. No.

Q. Do you know whether these wells have ever been sampled or tested?

A. Yes.

Q. When was that?

A. After installation in '84, '85 several times and I believe once or twice since then.

Q. Do you know how recent that was?

A. The last time may have been 1987. I'm not sure.

Q. Were reports issued from whoever did the sampling of the monitoring wells?

A. Yes.

Q. Who did that sampling?

A. Bowser & Morner.

Q. Does ASF maintain a closure plan or a postclosure plan for the Sebring landfill?

THE WITNESS: Can I ask you a question?

(Discussion had off record.)

BY THE WITNESS:

A. Under RCRA type closure plan, no.

BY MR. WEISSMULLER:

Q. This was true from May of -- from 1980 through May of 1987?

A. That's correct.

Q. That's true also today?
A. That's correct.
Q. Has American Steel Foundries maintained any financial assurance for closure and postclosure costs at Sebring?
A. Not to my knowledge, no.
Q. Has American Steel Foundries maintained any financial responsibility for liability to third persons as a result of hazardous waste escaped from the Sebring landfill?
A. I don't know.
Q. Let me hand you Exhibit F, please. Are you familiar with this document?
A. I've seen lists that certainly these appear to be a duplicate of, yes.
Q. Are those the recharge records for the time when ASF was recycling the electric arc furnace dust?
A. I believe this is the talley sheet of the number of drums collected of electric arc furnace dust.
Q. Why was electric arc furnace dust added to the furnace in 1987?
A. Being active in the American Foundermen's Society and other industry organizations, it is generally known that some steel foundries recharge

their emission control dust into the furnace. We thought we should try it.

Q. Why wasn't the dust added to the furnace previously to 1987?

A. I don't know.

Q. Does ASF have a RCRA permit to burn hazardous waste?

A. I know of no such permit.

Q. At what stage in the process was the dust added to the charge or the heat?

A. I believe it was in the second bucket.

Q. How many buckets would go into the furnace in each charge?

A. One bucket for the first charge, one bucket for the second charge.

Q. Maybe you could explain to us what a charge is. Is that a -- Explain, if you would, what that means.

A. Charge is the term that's used to describe a load of scrap metal that is placed in a charge bucket. It's used to describe the action of placing scrap metal into the furnace.

Q. What is a heat?

A. A heat is the term used to describe a batch of

steel that is produced.

Q. How many charges does it take for one heat?

A. If it is a 30-ton heat, typically two.

Q. The drums were added during the second charge of the process?

A. I believe that is the way we did it.

Q. Could you turn to the third page of Exhibit F. Can you describe for us what the middle column here represents?

A. I assume it is the weight of the drums. That's what I thought it was. The weight of the material.

Q. If we look at the first line after the date 6-24-87, there is 2901 pounds. Would that be contained in 12 barrels? Is that your understanding of this?

A. I don't know. I assume so.

Q. Do you know whether the entire second charge consisted of barrels or did it also consist of other scrap?

A. It consisted of other scrap as well as the barrels.

Q. How was it determined how much dust should be added to the heat?

A. I'm not sure. I believe it was two or three

drums per heat.

MR. SCHILLAWSKI: Can we go off the record for a minute here.

(Discussion had off record.)

MR. WEISSMULLER: Back on the record.

BY MR. WEISSMULLER:

Q. Mr. Ruud, do you know who it is that is primarily responsible -- who was responsible for maintaining this log?

A. The yard department.

Q. Is there a department at ASF which would analyze whether or not the recharge was successful or not?

A. Not a specific department, no.

Q. Would the chemists have some responsibility for that or would the metallurgists have some responsibility?

A. Metallurgists.

Q. Can you tell us why the practice was discontinued for recharging the dust?

A. The recharging of the dust seemed to cause an increase in electrode consumption and an increase in the amount of dust that we were collecting. Although other companies seemed to do it successfully, we

weren't able to do so.

MR. WEISSMULLER: Let me mark Exhibit G, please.

(Document marked.)

BY MR. WEISSMULLER:

Q. Here you go, Mr. Ruud. Could you tell us what this first page of this Exhibit G represents?

A. It's the report of material charged in the heat.

Q. At the very top where it says furnace charge, it mentions the first bucket and second bucket columns. Do you see those?

A. Yes.

Q. In the column all the way to the left where it says plate, busheling, wheels, flashing, do you see that?

A. Yes.

Q. What are those? Are those railroad parts or scrap?

A. Those terms are words used to describe various types of scrap.

Q. The numbers in the column where it says first bucket, what are those units?

A. I don't know.

Q. Do you know who it would be that would know what the units are?

A. Yes.

Q. Who is that?

A. Chief metalurgist.

Q. Who prepares this report in the course of business?

A. I see here it is signed by a melter and a chemist.

Q. Do you see down below in the bottom left hand section where it lists -- where it says ladle addition?

A. Yes.

Q. What does that mean? What is a ladle addition to this process?

A. I don't know what this means. I know when the furnace -- the heat is tapped, certain alloying elements are added to the ladle to obtain the desired chemistry.

Q. Do you know what the units are to the right where it says weight?

A. No.

Q. You don't know whether they are pounds?

A. I don't know if they are pounds or tons.

MR. WEISSMULLER: We are going to take a quick

break, please. Is that all right?

(A recess was taken.)

MR. WEISSMULLER: Why don't we mark this H now.

(Document marked.)

BY MR. WEISSMULLER:

Q. Mr. Ruud, in front of you is Exhibit H which is a letter you wrote some time ago. Maybe you could just take a glance at it. There is also some attachments to it which are referenced in the letter.

(Witness peruses document.)

BY MR. WEISSMULLER:

Q. In the last page of this exhibit there is a flow chart -- First of all, do you recall sending this letter?

A. I'm vaguely familiar with the letter, yes.

Q. Is that your signature?

A. It does look like it, yes.

Q. Are you familiar with this flow chart here on the fourth page?

A. Yes.

Q. Now, there is three boxes, I believe, on the left and two on the right. The first box states collected material from wet and dry type pollution

control devices. Does that include the baghouse for the electric arc furnace?

A. Yes.

Q. Those symbols which represent various metals and the numbers there, I trust these are waste analysis results; is that right?

A. Correct.

Q. Do you know who performed the waste analysis?

A. I made the note here the OEPA and, as I stated in the letter, independent laboratories. Obviously, I would assume, we took the sample.

Q. Would this be a compilation of analysis reports that you received back from outside labs?

A. I don't recall where the data was obtained from, specific, you know.

Q. This first box up here on the top right, does it also include the material from the other baghouses that are present at the facility?

MR. SCHILLAWSKI: Can you clarify? You are saying top right and pointing to top left.

BY MR. WEISSMULLER:

Q. Top left, I'm sorry.

A. Yes.

Q. There are, as I recall, three baghouses at the

facility?

A. I believe there is at least that many, yeah.

Q. We discussed that in the earlier deposition.

In the middle box on the left side, slurry from sand reclamation process, is that the slurry that we've discussed earlier is disposed of at the Sebring landfill via the torpedo truck?

A. Yes.

Q. That comes from the sand washer system, slurry generated by that?

A. Yes.

Q. What does the arrow in your mind represent, the arrow that goes from the top box to the middle box on the left side? What does that mean or what is it intended to show?

A. If I remember correctly, it was the arc furnace dust that was added to the slurry.

Q. This doesn't mean that you mixed the other wastes from the wet pollution control devices with the slurry; is that right?

A. No.

Q. You mentioned earlier that this top box represented wet and dry electric arc furnace dust and also other wastes.

A. I might have misunderstood what you said.
Q. What do these materials represent in this top box on the top left? What all is in there?
A. Like it says, collected material from wet and dry type pollution control devices, baghouses.
Q. That's all?
A. As far as, yeah, what I recall.
Q. Only the baghouse dust from the furnace, the electric arc furnace, was mixed with the slurry; is that right?
A. Yeah, that was the practice.
Q. Do you know who at the facility would know the history of these samples on this flow chart?
A. No.
Q. Do you know who prepared this flow chart?
A. Yes.
Q. Who was that?
A. I did.
Q. Did you consult with anybody when you prepared it?
A. Yes.
Q. Who was that person?
A. I don't recall specifically.
Q. Is it somebody at the facility?

A. I assume I would have talked to someone at the facility.

Q. Would it have been the chemist or metallurgist?

A. I don't recall.

Q. Was this chart intended to show that the slurry and electric arc furnace dust mixture comes from two different processes at your plant?

A. I don't recall the intent. I'm not sure I really understand.

Q. Well, you seem to have three boxes here on the left, and I'm just wondering why the boxes were divided into -- as they were?

A. Primarily, as I reread this letter, what I recall is Don Meves had a conversation with Elizabeth Utley. At the conclusion of their conversation, Don asked me to put a basic diagram together indicating this, as if that's what they agreed to do as a result of the conversation.

Q. Were you trying to show here the different processes that generated these wastes? In other words, the slurry from sand reclamation processes, is that in your mind one waste?

A. I'm not so sure what you are getting at, sir. One waste as opposed to what?

Q. As opposed to another waste. You seem to break them out differently. What I'm trying to get at is whether you consider the slurry a different waste than the slurry and dust mixture?

A. I'm still confused. I think I was asked to put together a schematic like that to show kind of basic different -- this is what they agreed to supply.

Q. Let me ask it this way: Does ASF separately sample the slurry alone?

A. ASF has separately sampled the slurry alone.

Q. Does it also perform separate sampling on the slurry-dust mixture?

A. We have performed sampling on the combined mixture, yes.

Q. You have also performed sampling on the dust alone?

A. That's correct.

MR. WEISSMULLER: Will you mark this, please.

(Document marked Exhibit Letter I for Identification.)

BY MR. WEISSMULLER:

Q. You have just been handed a material safety data sheet or MSDS marked as Exhibit I. Can you take a look at this and tell me whether you are familiar with

these?

A. Yes, I'm familiar with MSDS's.

Q. Are you familiar with this which is listed as a United 17 high pressure cleaner?

A. Yes.

Q. Is this product used at ASF or was it used at ASF between 1980 and '87?

A. I believe so, yes.

Q. What is it used for?

A. As a soap in a steam cleaning operation.

Q. What is it used to clean?

A. Various pieces of equipment at the plant.

Q. Such as what?

A. Fork truck, pieces of any type of machinery.

Q. Is any waste water generated from the process of cleaning?

A. I don't know.

Q. Have you ever watched the use of this product of high pressure cleaning?

A. No.

Q. Do you know who would be responsible for using this or supervising people who do use this product?

A. The maintenance department.

Q. Do you know whether or not the waste water, if

any was generated, would be part of the other wastes that were sent to the Sebring landfill?

A. No, I do not know.

Q. Who at the plant is responsible for maintaining, if anybody, a material safety data sheet for the products that are used there?

A. The safety and environmental supervisor.

Q. Who is that?

A. Mr. Bill Heestand.

Q. Heestand?

A. (Nodding).

Q. How long has Mr. Heestand been with the company?

A. Since August 14, 1989.

Q. Was that position that he now holds held by someone else before that?

A. That is a new position.

Q. About a month new, month old?

A. Yes.

Q. Do you know whether American Steel Foundries uses any stoddard solvents?

A. Yes.

MR. SCHILLAWSKI: Objection as beyond the scope of the Complaint.

MR. WEISSMULLER: No, I don't think it is beyond the scope of the Complaint because it goes to what went into the landfill. The Complaint alleges that closure is required at the landfill, and it is necessary to know what has gone in there in order to perform proper closure.

There are a number of references in the documents as to other wastes that have been sent to the landfill. We are trying to establish what some of those wastes are.

BY MR. WEISSMULLER:

Q. Now you may answer the question, please, whether ASF uses stoddard solvents?

A. Yes.

Q. Do you know what those are used for?

A. Not specifically, no.

Q. Do you know generally what they are used for?

A. I believe parts washing.

Q. What parts at the facility would require washing with a stoddard solvent?

A. I don't know.

Q. Do you know how the spent solvent is disposed of?

A. It is not disposed of.

Q. Do you know what's done with it?
A. It was allowed to evaporate.
Q. Do you know where at the facility it was allowed to evaporate?
A. At various points of use in the maintenance department.
Q. Was there a storage area where spent solvents were placed and allowed to evaporate?
A. No, not to my knowledge. The materials were used to -- in parts washers; and as it evaporated, it evaporated. It was not set out to evaporate so we could avoid disposal.
Q. Did ASF ever use any other degreasers?
A. I believe another chemical was used.
Q. Does trichloroethylene or trichloroethane ring a bell?
A. For use as a degreaser, no.
Q. For any use at the facility?
A. I don't recall.
Q. Who would know about these degreasers and the stoddard solvent? Would that be the supervisor of the maintenance department?
A. The head of the maintenance department runs his department. I can't speak for his knowledge of

specifics.

Q. Did ASF use any oils during 1980 and '87?

A. Yes.

Q. What types of oils did it use and for what purpose, do you know?

A. I understand they used lubricating fluids for plant vehicles, hydraulic fluids for hydraulic systems, lubricating fluids for the compressor. That's all I recall.

Q. How were those fluids changed or replaced? Was it done on the premises? Was the oil changed in the trucks and the lubes changed in the machinery there on the premises or were they sent somewhere else to be done?

A. On the premises.

Q. Do you know what was done with the spent lubrication, spent oils? Do you know how they were disposed of?

A. No.

Q. Do you know whether any of those oils or lubricants were sent to Sebring?

A. To my knowledge no spent lubricants or oils were sent to Sebring.

Q. Did ASF use any paints or paint thinners?

A. We used paint and paint thinner, yes.
Q. Do you have a spray booth operation at the facility?
A. Yes.
Q. Do you know whether that operation generates any waste?
A. Yes.
Q. Do you know how the wastes -- what types of wastes are generated there?
A. From what process?
Q. Painting or cleaning painting equipment.
A. Yes.
Q. Would it be spent thinners, spent lacquers, and other types of wastes of that nature?
A. No.
Q. What are they? Can you describe it?
A. The paint filters and dried paint collected from the floor of the paint booth.
Q. How is the material waste from the paint booth disposed of?
A. At present, it is not being disposed of.
Q. Is it being stored?
A. That is correct.
Q. How was it disposed of, if at all, during 1980

and 1987?

A. I don't know.

Q. Do you know who would know?

A. The superintendent over the yard department.

Q. Who runs the paint shop?

A. It is part of the cleaning and finishing department.

Q. Do you know if there is a separate supervisor for the painting process?

A. No, I do not know.

Q. What's the name of the individual responsible for the paint shop both today and then going back to 1980, if you could?

A. The department head of the cleaning and finishing department today is the superintendent, Bob Brennan. Prior to Bob was Dave Smith. I know of no predecessor to those guys.

Q. Do you know whether any paint filters or dried paint scrapings or any other wastes from that shop were ever sent to Sebring between 1980 and '87 or even before?

A. No, I am not aware.

MR. WEISSMULLER: Will you mark this, please.

(Document marked Exhibit Letter J for Identification.)

BY MR. WEISSMULLER:

Q. I've handed you Exhibit J. If you could just review it and take your time. These are documents that were received by U.S. EPA from the foundry in '87.

(Witness peruses document.)

BY MR. WEISSMULLER:

Q. Mr. Ruud, are you familiar with any of those pages in this exhibit?

A. Yes.

Q. Maybe we could just turn to the first -- After Page 3 of that letter in the front, there is a chart that's labeled Exhibit 1, I believe. If I could just ask you to explain a few things for me.

There is a No. 3 that's spent core sand and miscellaneous cleaning and finishing scrap and the description of the waste there is primarily silica and chromite sand and some steel scrap and then there is a past average and a current average and an average total. Where it says past average of 21, I guess that is cubic yards a day. Is that correct?

A. I believe so, yes.

Q. This represents the amount of this sand and

miscellaneous cleaning and finishing scrap that was produced each day?

A. Yes.

Q. Does this also show or does this also tell the reader that this amount was disposed of either at Sebring or whatever ways you disposed of materials?

A. I don't recall. Obviously, this is the 3007 request. It does not appear to be complete.

Q. It is not the complete response.

A. These are portions taken from it.

Q. Right.

A. I don't remember exactly what the function is without rereading the report.

Q. Perhaps then we can just focus on the waste name and the waste description.

No. 4 is clarifier sludge/EAF dust mixture and then it has a description that states it is water, silica and chromite sand, and dust. Is the silica and chromite sand part of the slurry which we have discussed up till now?

A. Yes.

Q. So the water and the two sands would form the slurry that you then mixed with the dust; is that right?

A. Yes.

Q. Do you know how much silica versus chromite sand would be produced or would be contained in the slurry?

A. No.

Q. Do you know whether the facility keeps records of that or whether anybody would know how much of the chromite sand goes out with the slurry versus the silica sand?

A. No.

Q. No. 5 there is a cooling bed and collector dust. Could you tell us where that comes from?

A. These, I believe, are the baghouses, the cooling bed collector dust.

Q. Other than the electric arc furnace baghouse?

A. That's correct.

Q. Do you know whether No. 4, clarifier sludge/EAF dust mixture, the number of cubic yards listed here, do you know what the ratios were? Are these presumed to all be 36 to 1?

A. I don't know.

Q. You don't know from this document, you can't tell whether this ratio was maintained in these averages that are given here?

A. No.

Q. Could we turn to the next page of this exhibit. These are Alliance EP toxicity test results. I trust this is various components of your waste stream.

Are you familiar with this?

A. Yes.

Q. Do you know who took the samples from the sludge component?

A. No.

Q. What is the sludge component? Was that the slurry, clarifier, or the sand washer slurry?

A. I believe it is, yes.

Q. Do you know who analyzed the samples that were taken?

A. It would have been one of the labs that we utilized to analyze the waste.

Q. Did ASF ever do any of its own analysis on the premises or was it always contracted out?

A. It was always contracted out.

Q. Do you know whether this was a distilled water extraction or an acid extraction test?

A. As it states, it was all EP toxic.

Q. Acid extract?

A. That's correct.

Q. Do you know who at the facility could tell us the names of the people who took these samples?

A. No.

Q. Do you know whether there is records anywhere which would indicate who it was that took these samples?

A. No.

Q. Do you know the dates of these samples?

A. No.

Q. Do you know whether this is just a composite of other samples that you prepared?

A. Yeah, these were samples that we had in the files for the various components. We answered this request by providing this information in this form.

Q. Do you have the actual sampling results in your files?

A. They are here. They were attached.

Q. Did you compile this table?

A. Yes.

Q. You got the data from where?

A. The test reports that we had on file.

Q. Those test reports were also submitted along with the letter at the beginning of this exhibit?

A. I believe so, yes.

Q. Could we go to the next page. Under the salutation of Dear Mr. Bradway, it says EP toxicity extraction per the Federal Register and it lists electric furnace dust. Underneath, it says distilled water leach. Do you know whether these are two separate tests that were run or whether this is a distilled water test or was it the extraction that was run?

A. In these cases, I believe the extraction procedure was followed with the exception of the addition of acid and it was, in fact, what was called a distilled water leach.

Q. Why was the distilled water leach test run on these things, do you know?

A. I'm not sure if these are the ones, but we thought during one of the inspections when we had split samples that is what we should do so that's what we did. We thought that was our instructions.

Q. Do you know who took this sample that is analyzed here?

A. Not for sure, no, but it sounds like around the time an inspection was performed by Cathryn McCord.

Q. Would this be the sample that was split with

ASF that was taken by either EPA or OEPA?

A. I do not know.

Q. You don't know whether this is one that you took on your own?

A. I do not know.

Q. Is Mr. Engel responsible for the sampling that goes on at ASF?

A. Mr. Engel was the vice president of manufacturing at the time. The works manager works for him. I don't know how you mean -- Mr. Engel did not take those tests.

Q. I'm sure he didn't. I'm trying to find out who at the facility knows anything about how samples were taken.

A. In this time period, I would assume it was the works engineer.

Q. By this time period, we are referring to what?

A. The date of this sample says February 1985.

Q. Do you know of any persons who have taken any samples at American Steel Foundries?

A. Yes.

Q. Who are the people that have taken samples at American Steel Foundries?

A. Terry Bradway.

Q. Is he still with the company?
A. Yes.
Q. What's his title?
A. I believe it is facility engineer.
Q. If we could turn to the back of this exhibit, are you familiar with this, Mr. Ruud, this page which seems to be a report from Tri-State Labs dated October 3, 1986?
A. Yeah, this was part of the 3007 request form.
Q. Do you see on this page there is a landfill sample, actually there is two, there is a carrier blast dust collector and there is a K.O. hammer dust collector? Could you tell us what these dust collectors are?
A. They are the emission control devices on the various pieces of equipment.
Q. Those are the ones we described the last time?
A. Yeah.
Q. Why was the sampling performed for cyanides, fluorides, and phenols?
A. I don't recall the specific reason.
Q. Up on the top of the page, there is an indication that says distilled water leachate results. Do you know why the water leachate test was used here

as opposed to the acid extraction?

A. I believe the OEPA uses -- I know the OEPA uses the distilled water leachate for analysis of foundry materials. I believe that's why it might have been done.

Q. If we could go three more pages into that exhibit.

A. Fifteen?

Q. Yes. Do you know whether these samples here, which seem to have been taken of the barium, arsenic, cadmium, the normal things you might send for, was an acid extraction test or was it distilled water? Do you know which these were?

A. According to the report where the asterisks are marked, it says EP toxicity.

Q. That led you to believe that this lab used EP toxicity per Federal Register when it used that indication? It was using the acid extraction test and not the distilled water extraction?

A. That's correct.

MR. WEISSMULLER: Would you mark that, please.

(Document marked Exhibit Letter K for Identification.)

BY MR. WEISSMULLER:

Q. Mr. Ruud, we are handing you Exhibit K. This is a group of manifests which were received from your company through discovery. I just have a couple of questions regarding these manifests.

Are you familiar with these documents?

A. Somewhat, yes.

Q. Do you know who is responsible for completing these documents?

A. Mr. Dixon signs them.

Q. Does he also complete them or are there other people who fill in the blanks?

A. Other people prepare the document.

Q. This Page 1 of this exhibit, do you know what this waste is? Is this the electric arc furnace list?

A. Yes.

Q. Over to the right of the column No. 11-A where it lists D006 and D008, do you see that?

A. Right over here (indicating)?

Q. Yes.

A. Yes.

Q. Do you know what those represent and what those means?

A. Those are the RCRA numbers for cadmium and

lead.

Q. If we could go to the third page of this exhibit, under 11-A there by the generator area, that waste description is K061; is that right?

A. That's what it says, yes.

Q. Is that also referring to the electric arc furnace dust?

A. No, that does not refer to our electric arc furnace dust.

Q. Do you know what that means on your manifest?

A. K061 is the EPA record definition for electric arc furnace dust for primary steel producers.

Q. That's why I'm asking you why that would appear on your manifest?

A. In error.

Q. There is no primary production of steel that takes place at the Alliance Works?

A. No.

Q. Who else prepares these documents? Can you give us a list of names or positions of who prepares your manifests?

A. Terry Bradway has primary responsibility for preparation of documents like this.

Q. Mr. Ruud, do you know who at American Steel

Foundries would have any information about the landfill disposal practices before you got there, before you started working there?

A. No.

Q. Do you know if there is a department at ASF that is responsible for maintaining security at the landfill, keeping the gate locked, doing whatever work needs to be done out there?

A. The operation of the landfill is under the yard department.

Q. The yard department. Does the yard department have people designated that do mainly landfill work as opposed to work at the foundry?

A. I don't know.

Q. Do you know who was in charge of the yard department before you arrived at the facility in 1980?

A. No.

Q. Do you know who was in charge of the yard department when you arrived in 1980?

A. No.

Q. You don't recall who that was?

A. No, I don't.

Q. Would that information be available to you if you checked your files or the files of the company,

employee records, stuff like that?

A. I assume our personnel department could tell me.

MR. WEISSMULLER: If we could go off the record for a minute.

(Discussion had off record.)

MR. WEISSMULLER: Mr. Ruud, I don't think I have any other questions to ask. I would like to thank you for your time, the two days that you spent with me.

I would like to say, though, and have on the record that we would like to continue the 30(b)(6) deposition not with Mr. Ruud but with other deponents that will be able to discuss areas in more detail. Those areas should be covered and would be covered by the 30(b)(6) notice that we filed.

I will write a letter to Mr. Schillawski within a week or so identifying those areas and maybe we can narrow it down just a little bit.

MR. BARNES: We will respond to your letter and continue the practice we have had in the past of accommodating reasonable requests and assume you will do the same.

MR. WEISSMULLER: I sure will.

MR. SCHILLAWSKI: Signature not waived.

(Further deponent saith not.)

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, MAUREEN K. NAGLE, Certified Shorthand Reporter and Notary Public in and for the County of Cook and State of Illinois, do hereby certify that CHARLES A. RUUD was first duly sworn by me to testify the whole truth and that the above deposition was reported stenographically by me and reduced to typewriting under my personal direction.

I further certify that the said deposition was taken at the time and place specified and that the taking of said deposition commenced on the 15th day of September, A.D., 1989, at 10:00 o'clock A.M.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this 26th day of September, A.D., 1989.

MAUREEN K. NAGLE, C.S.R.
19 South LaSalle Street
Chicago, Illinois 60603
Phone: (312)782-3332

OFFICIAL SEAL
MAUREEN K. NAGLE
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. MAY 12,1992

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,	)	
vs.	)	No. C87-1284A
AMSTED INDUSTRIES, INC., d/b/a AMERICAN STEEL FOUNDRIES, Defendant.	)	

This is to certify that I have read the transcript of my deposition taken in the above-entitled cause, and that the foregoing transcript accurately states the questions asked and answers given by me.

Charles A. Ruud

CHARLES A. RUUD

SUBSCRIBED AND SWORN TO
before me this 27 day
of November, A.D. 1989.

Pamela S Curatolo

"OFFICIAL SEAL"
Pamela S. Curatolo
Notary Public, State of Illinois
My Commission Expires Jan. 20, 1990

Thea P. Urban
REGISTERED PROFESSIONAL REPORTER
19 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603
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ORIGINAL

AMENDMENT TO DEPOSITION

The Witness, Charles A. Ruud, states he wishes to make the following changes/corrections in testimony as originally given:

PAGE	LINE	SHOULD READ	REASON
120	21	...appropriate level which is not.....	correct word
125	14	John Oesch	Correct spelling
125	15	Before John Oesch I don't know....	clarification
138	9	Floor sweepings, clods of sand....	correct word
138	11	...brought to became the waste	clarification
138	12	sand clods of sand are not EAF dust.	clarification
139	5	...in certain cores in certain...	correct word
156	20	A RCRA type closure...	correct word

SUBSCRIBED AND SWORN to before me this 27 day of November, A.D. 19 89.

Charles A. Ruud
Signature of Deponent

Pamela S. Curatolo
Notary Public

"OFFICIAL SEAL"
Pamela S. Curatolo
Notary Public, State of Illinois
My Commission Expires Jan. 20, 1990

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. C87-1284A
	)	
AMSTED INDUSTRIES, INC.,	)	
	)	
Defendant.	)	

- - - - -

DEPOSITION OF CHARLES A. RUUD
Wednesday, August 30, 1989

- - - - -

Deposition of CHARLES A. RUUD, called by the Plaintiff for examination under the Federal Rules of Civil Procedure, taken before me, Caryn L. Lott, a Notary Public in and for the State of Ohio, at the offices of the United States District Attorney, 1404 East Ninth Street, Cleveland, Ohio, 44114, commencing at 9:25 a.m. the day and date above set forth.

- - - - -

APPEARANCES:

On Behalf of the Plaintiff:

Kurt Weissmuller, Esquire
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Land and Resources Division
U. S. Department of Justice
Washington, D. C. 20530

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ALSO PRESENT:

Catherine A. McCord
Eugene F. Meyer

- - - - -

CHARLES A. RUUD

called by the Plaintiff for examination under the Federal Rules of Civil Procedure, after having been first duly sworn, as hereinafter certified, was examined and testified as follows:

EXAMINATION

BY MR. WEISMULLER:

Q Mr. Ruud, would you please state your name and address for the court reporter.

MR. SCHILLAWSKI: I am going to object as to his address.

MR. WEISMULLER: His business address is fine.

A Charles A. Ruud, R-u-u-d, One Prudential Plaza, 36th Floor, 130 East Randolph, Chicago, Illinois, 60604.

Q Mr. Ruud, my name is Kurt Weissmuller. I am an attorney with the Department of Justice. I represent the United States in this case.

Throughout this deposition I will be asking you some questions. In the event you don't understand any question, I can rephrase it for you. If there is a time when you want to confer with your lawyers, please say so and we can take a break off the record.

I would like to remind you that the rules require that you do answer questions even if your lawyers object. Only if

they instruct you not to answer are you entitled not to answer.

Have you ever been deposed before, Mr. Ruud?

A No.

MR. WEISMULLER: Do we need to discuss any opening stipulations? I want to propose we stipulate that the usual objections are reserved until time of trial with the exception of form objections; is that okay?

MR. SCHILLAWSKI: Can you define form objection?

MR. WEISMULLER: The way I phrase a question, whether it's compounded, whether it's without foundation, that sort of thing.

MR. SCHILLAWSKI: We'll stipulate that.

Q Mr. Ruud, have you prepared for this deposition through the review of any documents?

A Yes.

Q Have you also had any discussions with anybody in preparation for this deposition?

MR. SCHILLAWSKI: I am going to object to the extent that any discussions are privileged or work product.

MR. WEISMULLER: He hasn't even answered the question yet. I'll simply say that

we are entitled to know who he spoke to and when. The substance of those conversations may or may not be protected by privilege, but we're entitled to know at least who it was that he had discussions with.

You can answer.

A Would you restate the question?

Q Did you have any discussions with anybody in preparation for this deposition today?

A Yes.

Q And who were those people?

A Phil Schillawski, Geoff Barnes, Ed Brosius.

Q Did you have any discussions with people at the ASF facility in Alliance?

A No, I did not.

Q What documents did you review in preparation for this deposition?

A Certain information that I have submitted in the past.

Q Have those documents been provided to the United States either through discovery or through other means?

A I don't know.

Q We would like to make a request for those documents.

A Those are the ones right there.

Q Then perhaps at a break we can take a look at them.

Mr. Ruud, I would like to talk a little bit about

about your background.

First of all, can we start with your employment history going back to the time of high school or after high school? What positions did you hold with what companies?

Also, please let us know if you had any military service or anything of that nature.

A Beginning when I graduated from high school?

Q Yes.

A I graduated from high school in 1970 and attended the University of Wisconsin. During the summer periods and the like I worked for the Playboy Club in La Crosse, Wisconsin and other miscellaneous odd jobs through college.

Q What sort of odd jobs, professional-type appointments?

A Waiter, bartender, things of that nature, through college.

Q What did you study in college?

A My degree is in Industrial Technology, emphasis in Occupational Safety.

Q When did you get that degree?

A May of 1976.

Q I am going to go out on a limb and ask you what you did at the Playboy Club.

A Anything from busboy to room service waiter and bellman, room captain, convention setup, kitchen steward.

Q Thanks.

What other employment did you take after these odd jobs in college? I trust that after college you had some different jobs that you didn't consider odd jobs?

A In 1975 I was employed with the Chicago Foundry as an intern as part of my major and I stayed with them through graduation, May of '76.

Q And after that?

A I went to work for Ford Motor Company, Cleveland Casting Plant, as a safety engineer.

Q And how long did you stay in that position?

A Until November of 1977.

Q And then where did you go after that?

A I moved to Salt Lake City, Utah to take a position as safety maintenance in the weight department with Union Pacific Railroad.

Q And how long were you in that position?

A May of 1980.

Q And then after the Union Pacific employment, what did you do?

A Moved to Chicago, Illinois to assume the position of manager, safety and environment, American Steel Foundries.

Q That was in 1980?

A That's correct.

Q Do you hold that same position today or have you changed jobs while at Amsted?

A I have a new title.
Q What is your new title?
A Manager of quality and environmental affairs.
Q Has your job description changed over the course of your employment at Amsted?
A Yes, it has.
Q What type of work was required of you when you began in 1980, and how has that changed up to the present?
A Primarily I was brought in to develop a corporate safety program where most of my time was spent on that subject for the first several years.
Q Is that still what you do today?
A Yes. I am still responsible for the employee safety program among other things.
Q Are you responsible for all of Amsted's facilities?
A I am responsible for those facilities that are part of American Steel Foundries.
Q And how many facilities are there?

MR. SCHILLAWSKI: I am going to object to introduction of any evidence about other Amsted or American Steel Foundtries facilities because they're not relevant to this case. They're also not allocated to lead to discovery of admissible evidence.

MR. WEISMULLER: You can answer the

question.

Could you read it back for him?

(Record read.)

Q Let me rephrase it.

How many American Steel Foundries facilities are there that you are responsible for?

A Four.

Q We know there is one in Alliance, Ohio; is that correct?

A Yes.

Q That's the subject of this lawsuit?

A Yes.

Q Where are the other facilities?

A Granite City, Illinois; East Chicago, Indiana; Hammond, Indiana.

Q Are these other facilities foundries?

A Two of them are.

Q Is Granite City a foundry?

A Yes.

Q East Chicago?

A Yes.

Q And what is the Hammond facility?

A The Hammond plant produces hot weld and coil springs and a small amount of weldments.

Q Could you spell that, please?

Check compliance statutes of these facilities

A W-e-l-d-m-e-n-t.
Q During your time in college, did you take any courses that related to environmental engineering or environmental chemistry or any other environmentally-related matters?
A While in school, I took industrial hygiene classes and courses relating to the design of ventilation equipment.
Q Is that the extent of your education in environmental matters, your formal education in environmental matters?
A Yes.
Q Did you have any post-graduate schooling of any kind?
A Would you clarify post-graduate?
Q Yes. Since you graduated from college with your degree, have you had any other courses or training in environmental matters?
A I have not attended any college or courses, per se, directly as a college credit-type course, no, I have not.
Q Have you had any courses that have been outside of the college setting?
A Courses?
Q Courses, training, seminars, anything like that?
A No.
Q When you were employed with the Chigago Foundry, did you have any responsibility for any environmental matters?
A No, sir.

Q When you were employed with Ford, did you have any responsibility for any environmental matters?
A Within the facilities as far as employee exposure to hazardous contaminants, yes.
Q OSHA-type laws were your primarily focus at that place?
A That is correct.
Q At Union Pacific, did you have any responsibility for environmental matters? Let me clarify what I mean by environmental matters. Were you responsible for insuring that the company, your employer, was complying with environmental laws or regulations, either state or federal?
A No.
Q When you took your position with Amsted, your job title includes environment as well as safety. Did you assume any responsibilities for environmental compliance at Amsted?
A Not right away.
Q Perhaps you can describe for us when you did become involved in environmental matters at Amsted.
A Well, as I mentioned earlier, my primary emphasis first order of the day was to get on paper a corporate-wide safety program. I was, I guess, in a learning mode when I was retained. I had the legal experience and knew that I would have to gain that experience, so I really didn't have any direction, if you will. I can't honestly say exactly when,

some date in time that I kind of became the person. Certainly, a period of years, after I began.

A Are you the chief environmental compliance official at Amsted?

A No.

Q Who is?

A At Amsted, no one carries that title.

Q Is there a person there who is primarily responsible for insuring that Amsted and its facilities comply with environmental laws?

MR. SCHILLAWSKI: I am going to object to that and have a continuing objection to the use of Amsted and/or American Steel Foundries facilities outside of the one at issue in this case.

MR. WEISMULLER: Answer the question.

A Would you please restate it?

MR. WEISMULLER: Would you read it back?

(Record read.)

A At each facility the manager is responsible for all matters. The person responsible is with the general management.

Q In the event that Amsted or American Steel Foundries in Alliance is required to spend money to either close the Sebring landfill or to pay a civil penalty in this case, do

you feel that that would in any way jeopardize your position with the company?

MR. SCHILLAWSKI: I am going to object to speculation and to feelings on the witness's part in terms of his employments.

MR. WEISMULLER: I'll just respond quickly. This all goes to bias. It's valid.

You can answer the question.

A No.

Q Is it your feeling that any promotions or demotions would be tied to the outcome of this case?

A No, sir.

Q Let's focus now on the American Steel Foundries' land in Alliance. During your tenure, have you been responsible for the compliance or non-compliance with environmental regulations at that plant?

MR. SCHILLAWSKI: I am going to object, and I suspect I will have to make a continuing objection to any testimony relating to facts prior to and until May of 1982 when the relevant statute of limitations operates, and also facts prior to the effective date of record regulations, both of those on relevant grounds.

MR. WEISMULLER: Just for the record, the Court, as a matter of fact, did order that we can

inquire into matters pre-1980, and we intend to do that when necessary. If you want to limit the answer to this question to 1980 and forward, that's fine. I don't think Mr. Ruud would have had any responsibilities for compliance of that plant before 1980 because he wasn't associated with the company.

MR. SCHILLAWSKI: First of all, our interpretation of the Court's order is inquiry is allowed for the purpose of seeking the possibility of relevant information, discoverable information. However, we're maintaining our objection.

A The way I envisioned this, not directly, as if my job depended on a specific issue, Alliance, Ohio is under the general direction of the works manager. My position, as I saw it -- see it, is to advise and coordinate compliance with regulations.

Q Do you advise and coordinate with the plant manager at Alliance?

A Yes.

Q And who is the plant manager at Alliance right now, and can you tell me whether it's been the same person since 1980?

A Mr. C. R. Dixon.

Overall compliance guy

Q Is Mr. Dixon primarily responsible for environmental compliance matters at the American Steel Foundries plant?
A Would you clarify primarily?
Q If there was a question as to whether the facility was in compliance with a particular environmental regulation, would it be Mr. Dixon's decision to make as to whether it was or was not a compliance?
A I don't think that is placed on any one person. I don't really understand when you say are you or are you not in compliance.
Q Well, let's take, for example, inquiry by federal or state agencies. If the Ohio EPA or U. S. EPA makes that information request to the Alliance facility or if they wanted to visit the facility and conduct an inspection, was it Mr. Dixon's job to provide information to those agencies and to coordinate with them for the inspections?
A Well, no one person has all the information. The initial contact with the plant, our procedure is that Mr. Dixon is the initial contact for visits, things of that nature.
Q What other people would be involved in those types of visits and in responding to environmental agencies?
A For what time period?
Q For 1980 to the present.
A The works engineers have always been involved in

various environmental matters. At certain periods, other department heads have been involved.

Q What other department heads?

A Assistant works manager.

Q Is that all?

A Plant superintendent is the title.

Q Do you know who the plant superintendent was in 1980 when you began with Amsted?

A There were two or three superintendents. I know people who held those positions, but not which one had responsibilities for which things.

Q Who held those positions?

A Either plant superintendent, works engineer or assistant works engineer. Works engineer in 1980, if I gave the answer, I can't be sure.

Q That's fine.

A I believe it was Wilbur Bordon.

Q When did Mr. Bordon leave the company?

A I don't know.

Q Is there a works engineer there now?

A Yes.

Q And what is that person's name?

A Paul Limbach.

Q Limbach?

A Yes.

These positions responsible for what part of complaint

Q And how long has he been with ASF? Do you know?
A 10 or 11 years.
Q Are there any other individuals either in the category of assistant works engineer or plant superintendent that you can name for us that held that position from 1980 to the present?
A Works engineer?
Q Yes.
A Ray DeGriolamo.
Q Would you spell the last name if you know it?
A I don't know it.
Q Has it been your responsibility over the past nine years to review ASF potential compliance with RCRA's regulations?
A Would you rephrase that last part?
Q In so far as compliance with RCRA regulations -- I should explain what RCRA is. It stands for Recourse Conservation and Recovery Act. It's the federal statute under which this lawsuit has been brought. Certain regulations are passed pursuant to that statute. The United States has alleged that ASF is not in compliance with RCRA.

My question to you is whether A, you're familiar with those regulations or with the statute, and B, whether it's your job to review the company's compliance with those regulations.

A Yes, I am familiar, and yes.
Q What time periods, from 1980 to present, or is there another different window in there that we need to discuss?
A My hands-on involvement probably came two or three years later directly where I was deeply involved in that aspect.
Q So somewhere between 1982 and '83?
A I would assume that's reasonable.
I would also like to point out that like I said earlier, there is no one person that is completely knowledgeable, and that members of management work on these issues together.
Q Who else at the American Steel Foundries facility would work on this issue that I have just asked you about in compliance with RCRA?
A I worked for Don Meves.
Q And?
A Amsted Legal.
Q He is with Amsted Legal?
A No. He was my supervisor.
Q And then with the legal department of Amsted?
A Yes.
Q Was there anybody else other than Mr. Meves who you worked with on this question of compliance with RCRA?
A Not that I can think of.

MR. SCHILLAWSKI: Can we have a short break here for Mr. Ruud?

MR. WEISMULLER: Sure.

(Recess taken.)

BY MR. WEISMULLER:

Q Let me just clarify a few questions about the management picture at Amsted.

As far as the management structure at ASF and Amsted, I am still a little bit unclear as to who is ultimately responsible for the compliance with environmental laws. Who makes the call?

A Within American Steel Foundries, I presume it would be the president of the company.

Q Who would be the president of American Steel Foundries?

A At present?

Q At present.

A Norm Berg.

Q And how long has he been with the company?

A Longer than me. I don't know.

Q So has he been president of ASF at least from 1980 until present?

A No.

Q When did he assume the presidency?

A '83, '84, '85, somewhere around there.

Q Do you know who the president was before Mr. Burg?

A Lou Davis.

Q Is Mr. Davis still with the company?

A No.

Q Is he with Amsted?

A No.

Q Who reports to the president concerning environmental questions? Would that be the works manager? Would that be you? Would that be Amsted Legal? Who gives the president information he needs to make his decision?

provide advice to decision maker

A Amsted Legal, vice president of manufacturing and myself in that I work for the vice president.

Q Who is the vice president of manufacturing?

A At present?

Q Yes.

A Mario Martini.

Q And how long has Mr. Martini been in that position?

A Approximately one year.

Q And who was vice president of manufacturing for them?

A Lee Engel.

Q And what are the years of Mr. Engel's tenure position?

A I believe he became vice president in 1981.

Q Was there somebody in that position before Mr. Engel?

A Yes.

Q Who was that?

A Wayne McCullough.

Q So is it correct to summarize that you, Amsted Legal, report to the vice president of manufacturing and that person reports to the president of the company of ASF on these issues on environmental compliance?

A Advise, report to them, yeah.

Q Does input from the works manager and the assistant works manager go to you or does it go to a vice president of manufacturing directly on environmental questions?

A It would -- the works managers and I converse about these issues as well as the works managers report directly to the vice president of manufacturing.

Q And what title does Mr. Meves hold?

A He is retired.

Q And before he retired, he held what title?

A Assistant vice president of manufacturing.

Q And who has that position now?

A The position was eliminated.

Q When was it eliminated?

A May 16th, 1986.

Q Is there any position that was created to take over the responsibilities of assistant vice president of manufacturing?

A No.

Q Are these responsibilities assumed by the vice president?

A I assume, yes.

Q Is Mr. Statler still with the company, with either ASF or Amsted?

A No.

Q Do you know where Mr. Statler went? Is he retired or is he with a different company?

A He took another position.

Q Do you know with who?

A Yes.

Q Could you tell us?

A Rochester Metal Products.

Q Do you know where that company is located?

A Yes.

Q Can you tell us?

A Rochester, Indiana.

Q Is American Steel Foundries a steel casting foundry?

A We manufacture steel castings, yes.

Q Explain briefly, if you would, the nature of the business at American Steel Foundries in Alliance. What do you do? How are its products made?

A Raw materials are purchased, major raw materials, sand and scrap.

Q Scrap metal?

A Scrap metal. The sand is processed to manufacture cores and molds. Cores are placed into the molds. The scrap is melted in an electric arc furnace. The molded steel is

then poured into the molds. After a period of time, castings are allowed to cool. They're removed from the sand, subsequently cleaned and finished, prepared for shipment.

Q From 1980 to the present, what is the final product that ASF produces, and if that has changed at all, explain when and how?

A The products produced primarily are side frames, molsters, couplers, knuckles and other small railroad cast components.

New products have been developed since 1980, therefore, they have been added to the facility as they are produced there. One that I know of that was started since then was an articulated connector.

Q Could you explain what that is?

A A steel casting utilized to connect two railcars that is supported by one traditional three-piece truck.

Q Is that different from a coupler?

A Not in its purpose, but what it looks like, yes.

Q Just briefly explain what is the purpose of the articulated device.

A The articulated connector allows two cars to be connected and supported by one truck.

Q The truck, being the wheels which the cars ride on?

A Correct.

Q Is the steel used for the production of materials at

ASF always produced from scrap?

A To my knowledge, yes.

Q To your knowledge, has American Steel Foundries ever engaged in the primary production of steel?

A No.

Q Are there any blast furnaces at the American Steel Foundries facility?

A No.

Q Have you or has American Steel Foundries ever placed raw materials into the arced furnaces?

A Would you clarify raw materials?

Q Iron, coke, limestone.

A Limestone.

Q Limestone is used in the arc furnace?

A Yes.

Q Do you know whether American Steel Foundries ever engaged in primary steel production prior to 1980?

A No, I don't.

Q You don't know or you don't know if --

A I don't know.

Q Do you know who might know that information?

A No.

Q How many foundries or furnaces are there at ASF?

A We have one electric arc furnace at Alliance.

Q Are there any other furnaces there other than the

primary steel production pre-1980

electric arc furnace?

A We use heating furnaces to heat treat the castings.

Q So in other words, after the castings are produced, the molten steel is poured from the electric arc furnace into the molds and then it's cooled and then you retreat these in these heating furnaces; is that correct?

A The casting, to achieve the desired mechanical properties, is subjected to heat treatment. That heat treatment occurs in a furnace.

Q Is there any waste from the heat treatment process?

A No

Q No dust is produced?

A No.

Q Just heat?

A Heat.

Who would know the types of scrap steel ASF uses?

Q What types of scrap steel does ASF use to feed into the arc furnace?

A I am not really familiar. I have heard terms like used wheels.

Q Used railroad wheels?

A Yes.

Structural steel.

Q Structural steel coming from what sorts of structures, buildings?

A I don't know. I just assume -- they call it structural

steel. Shreader steel.

Q Do you know the origin of that?

A Scrap dealers.

Q So ASF would purchase scrap from other dealers that are in the business of collecting the metal and reselling it to ASF?

A That's the way I understand it to work, yes.

Q What is the term shredder scrap include?

A I really don't know. All I know is it has been processed through a shredder to cut it to small pieces. And I believe shredder more refers to how it was processed than what it was.

Q Are there any other types of raw materials or materials that go into the furnace?

A The electric arc furnace?

Q Yes.

A Alloy elements.

Q Alloy elements?

A Yes.

Q Do you know what those are?

A Ferrosilicons. Maganese is contained in some material. I do not know the name of it.

Q Do you put chromium into the electric arc furnace?

A I don't know for sure.

Q Who would know?

A Chief metallurgist.

Q Who is the chief metallurgist at ASF?

A Tom Benton is the chief metallurgist at Alliance.

Q How long has he been in that position?

A Early '87.

Q And do you know who held that position before Tom Benton?

A Yes.

Q Who was that?

A John Jenkins.

Q And when did Mr. Jenkins assume that position?

A Sometime prior to my beginning employment with American Steel.

Q What does the chief metallurgist do? What is his job?

A To direct the melted metals department, to assure the proper chemistry and temperature of the steel, to determine heat treating practices, to administer the testing, to determine the quality of the steel. Those are his major responsibilities.

Q So he would know exactly what goes into the furnace and what comes out; is that correct?

A I would assume he does.

Q Does the chief metallurgist ever examine the electric arc furnace dust that's produced in the furnace?

A No.

Q Do you know who ASF buys its used wheels from?
A No.
Q Do you know who would know that?
A Yes.
Q Who is that person?
A John Wories, Junior.
Q Wories?
A Yes.
Q Do you know what types of metals are in the steel which is used, what the wheels are made of?
A It's my understanding that railroad wheels are high carbon steel.
Q Do you know anything else about these used wheels?
A No.
Q In terms of their purchase, their origin?
A We get them from scrap dealers.
Q Your structural steel, do you know anything about what its properties are?
A No, sir.
Q Do you know who would?
A John Wories.
Q What position does Mr. Wories hold?
A Director of purchasing.
Q Do you know how long he has held that position?
A Since 1984, approximately.

important to find out what spec's if any for purchasing of the steel scrap.

Q Do you know who held that position before him, and if so, who was that person?
A Lou Dethloff.
Q During the process of casting steel at Alliance, is a clarifier slurry ever generated or a substance that we have referred to as clarifier slurry?
A There is a device called a clarifier that generates that substance that we refer to as a clarifier slurry.
Q How does that device generate the clarifier slurry?
A Without having physically looked at all the pipes, it's been explained to me by looking through schematics and the like that waste water is channeled to the clarifier, various chemicals are added, flocculants, I believe they are called, to aid in the settling of solid particulates in the waste water. These solids then settle out and are subsequently scraped off the bottom of the clarifier by rotating wipers. That material is then channeled through an exit hole in the bottom of the clarifier and subsequently pumped into a, for a lack of a better term, tank.
Q The material that's pumped to the tank, is it clarifier slurry?
A Yes.
Q What happens to the water? Is it reused?
A Great portion of the water that is treated in the clarifier is returned to the process.

What chemicals? Would these affect the electries ability to "mix" with the dust? Who would know what was added.

Viscosity of the slurry.

Q Let's start at the beginning. Where does the waste water come from that goes into the clarifier?

A The primary source of waste water is from the piece of equipment we call or the process we call the sand washer. There are three or four devices, pollution control devices, we call wet collectors.

Q The wet collectors and the sand washer is where most of your waste water comes from?

A There is some contact cooling water that goes to the clarifier.

Q Any other source for waste water?

A That's all I can recall.

Q What is the function of the sand washer?

A To remove clay and fine particles of sand from the sand that was put in.

Q Sand that was put into the --

A Sand washer.

Q What is the purpose of washing this sand?

A To minimize waste.

Q The sand that goes into the sand washer, is that used to make the molds to which the steel is poured?

A The reclaimed sand is returned to the sand system and is then used to make that.

Q What type of sand is it that ASF uses to make the molds?

A Primarily silica sand and some chromite sand.
Q Chromite sand?
A That's correct.
Q That sand is used to make your molds. After that, the liquid metal is then poured into those molds; is that correct?
A Yes.
Q And it's then cooled?
A Yes.
Q How does the sand come off of the metal? I suspect that the sand and the metal touch each other at some point; is that correct?
A The sand and metal are in direct contact. The casting, solidified now, is still contained within the sand in a device called a flask. The flask, sand and casting are placed on a device called a shake out table, which, in essence, vibrates rather vigorously and the sand falls away from the casting and leaves the casting and flask on the vibrating table. The sand then reenters the sand system, which returns to hoppers for storage for reclaiming.
Q The flask, is that a device that encapsulates both the sand and the casting?
A Yes.
Q This sand, as it's shaken out on the shake off table, how is it transported to the sand washer?

A Conveyor belts.

Q And it gets to the sand washer, and what happens there? How does the sand washer work?

A My understanding of the sand washer is very primitive. Other than I do know that the water is added to the sand and allowed to spend time, and is, to my understanding, is also agitated to some extent. And the clay and fine particles, through differences in density, floats off. The sand is subsequently dewatered and dried.

Q Where does the clay come from?

A It is added as part of the sand preparation to make cores and molds.

Q Is the clay used to bind the sand particles together so that it doesn't -- so it isn't as powdery as it might otherwise be?

A Not being a sand expert, my understanding of putting clay into the sand is to allow it to absorb and retain moisture.

Q Do you know anything more about the sand washer then what you just explained other than what it does to upgrade and things like that?

A Not really.

Q Who would know more about the sand washer?

A Our works engineer.

Q Is there a person that operates the sand washer system,

Explain of any chem added to water break up the sand in the sand washer also to get a better idea of the sand washer system

and do you know who that is?

A The sand washer is under the direction of the superintendent, molding department.

Q Superintendent of molding?

A Yes.

Q On who would that person be?

A Ron Ramsey.

Q And how long has Mr. Ramsey been in that position?

A Oh, five, six, seven years. I don't recall.

Q Would you know who Mr. Ramsey's predecessor was?

A Robert Locke.

Q So water which goes into the clarifier comes from this sand washer. You also mentioned that you had some wet collectors. Do you know anything about the operation of your wet collectors, the basic function, how they operate?

A Yes.

Q First of all, how many do you have there at ASF?

A I can perhaps look at this. I believe there is three. This doesn't have it on it, but I believe there is three.

Q Tell you what, why don't we mark an exhibit.

- - - - -

(Plaintiff's Exhibit A
was marked for identification.)

- - -- -

Q Mr. Ruud, I am handing you what has been marked as

Exhibit A. This is a map which was received by the United States sometime in 1985 from ASF. I'd like you to take some time to look over this and see whether this is a reasonably accurate depiction of the Alliance foundry. I am going to ask you to point at this and maybe mark on it a little bit as you explain the processes over at the foundry. You can take your time, and if there is any discrepancies of how the Alliance facility operates, please let us know.

A Yeah, it looks like Alliance.

Q Mr. Ruud, can you mark on Exhibit A with the pen there where the sand washer system is?

A Being somewhat not to scale.

Q I understand.

A And assuming that, it is generally located in this area.

Q You can put an A in that circle.

A (Witness complies.)

Q Now, you mentioned that there were some sands washed there, one of which is a chromite sand. Do you know what type of sand that is and how it differs from your other sands that you use?

A It differs in that it is more dense. It is used for a specific purpose.

Q What is that purpose?

A It has a higher -- I believe I am using the correct

term -- refractory index, meaning that it will stand and tolerate more heat.

Q Is it used for particular heats at the foundry or is it used at all times?

A Chromite sand is put at specific locations within a core or mold where defects due to heat have been caused by not using chromite sand. It causes that area to solidify first and withstands a higher heat temperature that prevents defects.

Q Do you know whether the chromite sand contains chromium?

A No.

Q You don't know?

A I do not know if it has chromium in its pure form.

Q Do you know who ASF purchases chromite sand from and do you know the brand name of the sand?

A I know of a supplier of chromite sand. If we do business with him, I do not know for sure.

Check them out for

Q Who is that supplier?

A American Colloid.

Q Do you know where they are located?

A Their headquarters are in suburban Chicago, Arlington Heights, I believe.

Q Do you know who at ASF would know either exactly where this sand is purchased from or what its chemical properties

are?

A John Worris, director of purchasing, would obviously know who we buy it from.

Q Do you know who at the plant would know the chemical properties?

A I can't really speak for others' knowledge as far as the chemistry of the sand.

Q Do you have a lab at the ASF facility?

A Yes.

Q And does that lab ever analyze sand used in the process?

A Yes.

Q Is there somebody who has overall supervisory responsibility for the lab?

A I really ought to request the clarification of the lab. There are things we call labs and that may not be the same thing you call lab.

Q A laboratory is where chemical analyses are performed on either your sand, your raw materials, your waste or the finished product.

A We perform chemical analyses in our chem lab which is part of the melted metals department under the direction of the chief metallurgist.

Q Do you have other labs there?

A We have what is called the sand lab, which would test various sand properties.

Q And under whose direction is that lab?
A The superintendent of the molding department.
Q Who is the superintendent of the molding department?
A Ron Ramsey.
Q Let's go back to the wet collectors. What are those systems used for?
A I do not know the exact points that the wet collectors remove the emissions from.
Q What do they remove emissions from, from your furnaces?
A No, sir. Sand handling equipment, mechanical devices.
Q Do they operate after the sand? Do they come into play after the sand has been used in a mold or before?
A I don't know.
Q Where are these wet collectors again? If you could, mark it with a letter B on Exhibit A.
A I don't know. They are not marked on the drawing.
Q What do they collect?
A The emissions that would occur at some transfer point in the sand system. That emission would be silica dust.
Q What is the transfer system, the sand transfer system? Where is the sand transferred from and to where? For example, from one conveyer belt to another conveyer belt to make a bend.
A You can't make a bend, so you have one conveyer belt

that dumps onto this conveyer belt, that kind of transfer point into bucket elevators and out of bucket elevators.

Q And these wet collectors, what do they look like? How big are they?

A It's sheet metal. The one I recall seeing most recently was called a national, the large one. There is really nothing from outward appearances that would identify what it was.

Q Do these collectors collect both clean sand and sand that has been used?

A I don't know.

Q But at any rate, the water which is used in these wet collectors is also transferred into the clarifier; is that correct?

A Yes, that's correct.

Q You also mentioned that contact cooling water goes into the clarifier. Can you explain what that process involves? What is cooling water used for? Why is it called contact cooling water?

A The castings, as part of their heat treatment, certain castings, depending on the grade of steel required by the customer, is heated into a furnace to a specified temperature for a period of time. The casting is removed from the heat treat furnace and subjected to quench. We quench in water to bring the temperature of the casting down

to a desired temperature at a specified rate.

Q These furnaces used are the heating furnaces?

A Yes.

Q Heat treatment furnaces?

A Yes.

Q What type of water do you quench with, tap water or do you use other types of water?

A City water.

Q Do you add any chemicals to it before the quenching?

A No.

Q This quenching water then is also transferred to the clarifier?

A That's correct.

Q Can you point out on this diagram, which has been marked Exhibit A, where the clarifier is?

A Yes.

Q You can use a letter B.

A (Witness complies.)

Q How many clarifiers are there at ASF? Is there one or more?

A At Alliance there is one.

Q You stated earlier, I believe, that solids settle out of this clarifier. The solids at the bottom, is that the clarifier slurry?

A Yes.

Q The water is then reused at the plant?

A The water that has been treated in a clarifier is pumped back into the various points in the plant.

Q Would that water ever be used for quenching?

A I don't know. I do not believe so, no.

Q Where else is it used in the plant? What else do you use the water for?

A I have been told primary use is to return it to the wet collectors and to the sand washer.

Q I see.

You mentioned that the solids which settle out, which you and I referred to as the clarifier slurry, that is pumped to a tank?

A Yes.

Q Is that tank very close to the clarifier or is it a considerable distance? You can mark with a letter C on that Exhibit A what it is.

A What letter?

Q C.

A That general vicinity.

Q It's right where there is an arrow and a sludge tank marking on this?

A Yes.

Q Can you describe the size of this tank and where -- how it's situated? Is it elevated off the ground? Is it

buried? Can you describe that for us?
A I have only seen the location of the tank from the outside, and it is elevated above the ground, the discharge point is.
Q Is the tank inside of a building or is it outside?
A Inside.

- - - - -

(Plaintiff's Exhibit B
was marked for identification.)

- - - - -

Q I am marking Exhibit B for Mr. Ruud. Can you draw on that sheet of paper what this tank looks like and where the input into the tank is and where the discharge point is?
A Perhaps you can clarify the difference. The term on the print says sludge point.
Q Ignore that. I am interested in the tank into which the clarifier slurry is pumped.
A At the end of the water treatment process?
Q Right. The solids that settle out that we discussed earlier.
A As part of the clarifier system, the materials discharged back into, I guess, I call it a tank, if that is the correct term, that the material flows into, prior to discharge, into what we term the tank cars. So leaving the water treatment process, the waste slurry is discharged into

the tank car, or we have referred to it in the past as torpedo cars.

Is that what you were referring to?

Q Well, now I don't know. Earlier I thought that you said that it's the clarifier slurry that is pumped to a tank. Is that a mobile tank?

A They're ultimately placed in a mobile tank. To my understanding of how the process works, there is what one might call a tank inside the building that allows you to stop the flow while I am moving torpedo cars. I don't know if you call that a tank or it's a device that allows you to shut it off when you begin discharge from one torpedo car to another.

Q Let's follow the clarifier slurry from its home in the clarifier all the way to its ultimate discharge. It has been scraped from the bottom of the clarifier; is that correct?

A Yes.

Q It then goes into a pumping system; is that correct?

A I assume there is a pump to make it move, yes.

Q It moves to a holding tank; is that correct?

A I don't know if I would call it that, but it's some kind of device that permits us to shut off the flow. A certain amount of sludge or slurry can accumulate there.

Q And is this the same clarifier slurry that ASF had from 1980 until 1987, I believe, mixed with their arc furnace

dust?

A This is the slurry.

Q Perhaps you can diagram the holding device which enables you to shut off the flow as the tank trucks move to and away in the clarifier tank?

A I would draw you a building with a pipe coming out. I don't know what it looks like inside. I couldn't say that.

Q Do you know how big it is?

A No, sir.

Q How big is the clarifier? Do you know what its capacity is?

A No. Diameter, I don't know. It's a ways. I don't know how to describe it. It's bigger than my swimming pool.

Q This slurry travels then through piping into a device which you say enables it to be held temporarily; is that correct?

A I believe the only time it is used to hold it is while you shut off and move the discharge so you don't spill it all over the ground.

Q Tank trucks are then used to ultimately carry the sludge away from this part of the facility?

A That's correct.

Q How big are the tank trucks that are used?

A At least 7,000 or 8,000 gallon capacity.

Q Those are the same things as torpedo cars?

Many frequently tank trucks filled.

A That's correct.
Q Has this process been the same since 1980 when you began your job at Amsted?
A What process?
Q The process of the generation of the clarifier slurry.
A I believe that is correct. It has not changed.
Q Do you know whether ASF used a different clarifier system before 1980?
A I am not aware.
Q Does it use the same system today?
A Yes.
Q Have you ever seen or touched the clarifier slurry?
A Yes.
Q Can you describe its consistency? For example, is it thicker or thinner than 30 weight motor oil?
A I would judge it to be 30 weight motor oil.
Q Is it thinner than milk?
A I can't say that.
Q But it's thinner than motor oil. Is it thicker than water?
A I think thicker is a subjective term. There is water and solid particulate in the mixture. I would hesitate to say it's like milk or like water.
Q But you believe it's thinner than motor oil?
A I would think so, yes.

What's the specific particulate that gets in the mixture? Should we get samples of the slurry? Have they ever sampled the slurry competitor?

MR. SCHILLAWSKI: We have come to a convenient stopping point. I think we're needing a little break here.

MR. WEISMULLER: Give me just a couple more questions.

MR. SCHILLAWSKI: Okay.

Q Does ASF ever dewater this clarifier slurry? In other words, does ASF have a dewatering process for this slurry?

A No, we do not.

MR. WEISMULLER: For the record, we're going to strike Exhibit B and take it back and remark a new Exhibit B later. The witness did not draw anything on Exhibit B.

Let's take a recess here.

(Recess taken.)

Q Did you have an answer you want to clarify, Mr. Ruud?

A Yes. In response to your question on the training classes, we did have a one-day seminar at our offices conducted by a consultant on the various aspects of the new regulations, and I had forgotten all about that.

Q Do you remember when that was?

A Exact date, no. It would have been around the end of '80 or '81. In that time period somewhere around there.

Q Is the chromite sand used at ASF handled in the same

Q The water is then reused at the plant?
A The water that has been treated in a clarifier is pumped back into the various points in the plant.
Q Would that water ever be used for quenching?
A I don't know. I do not believe so, no.
Q Where else is it used in the plant? What else do you use the water for?
A I have been told primary use is to return it to the wet collectors and to the sand washer.
Q I see.
You mentioned that the solids which settle out, which you and I referred to as the clarifier slurry, that is pumped to a tank?
A Yes.
Q Is that tank very close to the clarifier or is it a considerable distance? You can mark with a letter C on that Exhibit A what it is.
A What letter?
Q C.
A That general vicinity.
Q It's right where there is an arrow and a sludge tank marking on this?
A Yes.
Q Can you describe the size of this tank and where -- how it's situated? Is it elevated off the ground? Is it

buried? Can you describe that for us?
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Let's take a recess here.

(Recess taken.)

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A Yes. In response to your question on the training classes, we did have a one-day seminar at our offices conducted by a consultant on the various aspects of the new regulations, and I had forgotten all about that.

Q Do you remember when that was?

A Exact date, no. It would have been around the end of '80 or '81. In that time period somewhere around there.

Q Is the chromite sand used at ASF handled in the same way as the silica sand that you use?

A The chromite sand is purchased as a separate item. It is utilized, like I said before, in certain portions of the core or mold. In the shake out process, the chromite sand becomes mixed with the silica sand and is not separated back out.

Q So the silica sand and chromite sand are beat, put into the clarifier; is that correct?

A The sand washer is a mixture of silica and chromite sand.

Q Excuse me. I meant to say that.

Do you know whether a hang filtered test has ever been run on this slurry that comes out of the clarifier?

A No.

Q You don't know whether one has been performed?

A No, I don't.

Q Do you know what type of pump is used to move the clarifier slurry in the clarifier into this holding device that you described earlier, the device which allows you to stop the flow of the slurry out of the discharge pipe?

A No, I don't.

Q Was there an engineer or somebody else at the facility that would know the type of pump and the specifications of the other machinery used in the clarifier system?

A Yes, I presume.

Q Who would that be?

Depose him on the type of pump to include slurry.

A The works engineer, Paul Limbach.

Q After the slurry travels through the pipes to this holding device, and we called it that which you marked as area C on Exhibit A, how far does the slurry travel from that device to the discharge point?

A A few feet.

Q And can you describe for us what the discharge point looks like?

A What I recall is a pipe.

Q And what about its diameter?

A Five, six inches.

Q And that comes out of that area C outside the building?

A That's correct.

Q And does the pipe travel horizontally out of the building?

A Generally horizontally, yes.

Q Is there an elbow joint at the end of it with an opening?

A Yes, I believe so.

Q These torpedo cars that you mentioned earlier, can you describe what a torpedo car looks like? Is it on a rail? Is it on a truck bed? What exactly is that?

A The torpedo cars would give -- the most accurate description would be to take a round cylinder and flatten it somewhat, round sides, opening at the top, discharge point in

the rear. That would resemble a sheet, the discharge point is above the top of the tank.

Q Excuse me. Before you go on, the discharge point is above the top of the tank?

A You have your --

Q Let's revitalize Exhibit B, which, to this point is a blank sheet of paper. Can you draw the torpedo car for us to the best of your ability?

A This would be a side view.

Q Can you draw an arrow any where on there as to what the top of the unit is?

A (Witness complies.)

Q The arrow on there points to the top of the torpedo car?

A This way. (Indicating.)

Q To the right of the drawing, can you explain what that is?

A This would be the discharge point.

Q Can you just draw an arrow to that?

A (Witness complies.)

Q And label that as A.

A (Witness complies.)

Q A, being the discharge point and that is in the rear of the torpedo car?

A That's correct.

Q Where is the inflow to the torpedo car?

Do we have a picture of the torpedo car.

A Approximately here. (Indicating.)
Q If you can draw an arrow to that area with a letter B.
A (Witness complies.)
Q So that is where the clarifier slurry is put into this tank; is that correct?
A Yes.
Q How is the tank moved underneath the pipe in which the slurry flows?
A The tank is a roll off type container.
Q In various documents that the government has received from Amsted, and in various pleadings in the case, we refer to a roll off container. Would that be the same as this torpedo car?
A I can't answer that. I do not recollect the context of which we use the term roll off, so I can't answer that.
Q Is this torpedo car filled with slurry and transported to the foundry area where the arc furnace dust is added?
A What time period are you referring to?
Q From 1980 until 1987.

MR. SCHILLAWSKI: I want to express that we still have a continuing objection to pre-'82 time periods.

MR. WEISMULLER: I thought it was pre-'80 time periods?

MR. SCHILLAWSKI: Pre-'82 by the

statute of limitations.

MR. WEISMULLER: You can answer the question.

A Could you repeat it quickly?

Q Between the period of 1980 and '87, was this torpedo car used in producing your electric arc furnace dust clarifier slurry mixture?

A Yes, I believe so.

Q What does it roll off of?

A There is an old flatcar that's modified to have the rollers and the like on it so it would slide onto it under the pipe where it would reach. Then there is two of these containers.

Q Two of these torpedo cars on each flatbed?

A There is one flatbed, two cars, two torpedo cars, two torpedo tanks.

Q And the flatbed is on rails or is it --

A I think it's placed on the ground. It happens to be a platform that was used.

Q I understand.

And these torpedo cars are then rolled onto this platform underneath the discharge pipe?

A Correct.

Q Is the discharge pipe connected to the torpedo car when the slurry is transferred into the torpedo car?

A How do you mean connected?
Q Is it physically attached either by screws, clamps, bolts, anything like that?
A No.
Q Is there a distance between the discharge pipe on the top of the torpedo car when this transfer of the slurry takes place?
A I do not believe so.
Q Does the discharge pipe lower itself into the torpedo car?
A I don't know.
Q Well, does the tank slide directly underneath the discharge pipe?
A Yes.
Q Is the discharge pipe ever raised or lowered or is it stationary?
A I don't know. Let me clarify that. The pipe swings. Whether it moves vertically, I don't know. I know it is capable of swinging from this tank to the other tank and back.
Q I see.
Have you ever observed the loading of one of these torpedo cars?
A I believe I have.
Q Have you ever noticed any of the slurry spilling

outside of the torpedo car or dripping on the torpedo car as the pipe is moved?

A No.

Q Is there a person at the plant who operates the loading of the slur into the torpedo car?

A Yes.

Q Who is that person? Who was the person in charge of this operation from 1980 until '87?

A Our department reports to the plant superintendent currently. Prior to that, they reported to the assistant works manager. I believe that was the organizational structure at the time.

Q So was the assistant works manager himself responsible for this operation?

A It was his department.

Q You don't know the name of the worker or the employee who operated this system?

A No.

Q Was the torpedo car empty before it was rolled onto the platform underneath the pipe or did it have other material in it?

A I presume it's empty.

Q You don't know for sure, though?

A No.

Q Do you know whether this torpedo car was ever rinsed

out with water or any other solution for purposes of cleaning it or anything else?

A No.

Q Is there a maintenance department at ASF who has got responsibility for the cleaning of these units if they were cleaned?

A I do not know if they were cleaned.

Q If they were cleaned, who at ASF would be responsible for the cleaning?

A I don't know, other than the department that operates the equipment. That would be the yard department.

Q The yard department?

A That's correct.

When I was thinking of that, you had asked if we ever cleaned them out. At the request of Kevin Bonzo, we had inserted water and had that water as part of a rinse aid analysis at the request of Kevin. He wanted the test results for EP toxicity. We did do that a couple years ago. He wanted the test results.

Q For the record, Mr. Bonzo was, at that time, an employee of the EPA? OEPA

A That's correct.

Q Did you perform tests or did ASF perform tests on that?

A Yes.

Q Do you know what the results of those tests showed?

A That the material was -- the components of air emissions were at or below various limits.
Q Were the samples from that rinse submitted with the Ohio EPA?
A No. He asked us to have it done and send them the results, which we did.
Q Have you ever had another analysis performed on the slurry itself?
A Another analysis?
Q Chemical analysis for EP toxicity.
A We have performed EP toxicity tests and distilled water acid leach tests on the slur.
Q Have any of those tests resulted in finding that slurry was EP toxic?
A No.
Q Since November of 1980, has ASF disposed of the clarifier slurry?
A Yes.
Q Prior to disposal, is the clarifier slurry removed from this torpedo car that you drew on Exhibit B?
A Prior to disposal is it removed?
Q Yes.
A No.
Q It is disposed from the torpedo car; is that correct?
A Yes.

Q Can you tell us since 1980 how ASF has disposed of the clarifier slurry, and if those disposal operations have changed during that time period from 1980 until the present, perhaps you could explain how its changed?

A What I know is that the sludge was put into the tank and --

Q The tank being the torpedo car?

A Yes. And then disposed of at the landfill for a period.

For a period, we also placed in the tank after the tank was fairly well loaded with sludge, slurry, small portions of electric arc furnace dust in with the slurry that was contained in the torpedo car.

Q Did you bring electric arc furnace dust to the torpedo car or did you move the torpedo car to where your bag house system is located?

A The torpedo car was picked up by the truck, taken to an area beneath the electric arc furnace dust collector, where the electric arc furnace dust was then added.

Q You mentioned that for a period you added electric arc furnace dust. What was that period?

A We stopped putting the dust in with the slurry in late May of 1987.

Q Let's go back for a moment to the torpedo car and how you fill it with slurry. Do you know whether these cars can

be or are they capable of being attached to the discharge pipe?

A Of what?

Q Of the slurry, the clarifier slurry.

A I can't say if they can be or capable of being. They're connected physically.

Q But is it your testimony that they are not attached either by clamping or screws, any device of that sort?

A To my knowledge, they do not clamp it.

Q Let's talk about the electric arc furnace. Can you again go to Exhibit A, please, and on there mark with a letter D as in David, the area in the plant where the electric arc furnace is located?

A D?

Q Yes.

A (Witness complies.)

Q We discussed earlier that certain metals go into this, certain scrap and other materials go into the furnace. It's melted and poured out?

A Yes.

Q Do you know whether a slag is ever produced by the furnace?

A Yes.

Q Is there a foundry pit slag and also a furnace pit slag that's produced?

A Yes.
Q Can you describe the differences of those?
A The furnace pit slag is the slag that is taken out of or removed from the surface of the steel and while it's in the electric arc furnace or in the ladle immediately adjacent to the furnace.
The foundry pit slag is that slag removed from the ladle at another spot.
Q What other spot?
A Another pit in an adjacent area where the ladles are inspected and cleaned out.
Q And these ladles are the devices that transfer the molten metal to the molds?
A Correct.
Q Sort of like dishing soup out of kettle into a bowl?
A Very large ladle, yes.
Q Is a dross ever produced?
A Dross being similar to a slag, but one which floats on top of the molten. Slag floats on top of the metal.
Q Is there anything that settles to the bottom?
A Not to my knowledge, no, sir.
Q Does ASF dispose of the slag in any way?
A Yes.
Q How is that done?
A It is taken to our landfill.

Q That's at Sebring?
A Yes.
Q Has ASF ever performed a chemical analysis on the slag to determine whether it's EP toxic?
A Yes, as well as did the OEPA.
Q Are you familiar with the results of those tests?
A Yes.
Q What are they?
A That the material, if I remember the report correctly, could not be analyzed for EP toxicity because of its glassy nature substance.
Q Do you know about when that took place?
A In 1980.
Q Was that the only time?
A To my recollection, yes.
Q There was arc furnace dust also produced through this melting process; is that correct?
A There is effluent from the electric arc furnace dust there.
Q Is that electric arc furnace dust in the papers that we received from the foundry?
A The dust is that which is collected out of the bag house.
Q How has the dust been generated since November, 1980? How does it physically work? How does a furnace produce this

dust?

A In the melting process, electrical energy is transfered from the electrodes through the steel scrap to the other electrodes. The way I understand, the resistance and all this creates the heat at which melts the scrap. In the course of this melting, certain materials are vaporized, certainly scale dust or dirt that might have been on the steel or any organic matter that may have been on the scrap, dirt, likewise, would become airborne and then evacuated from the furnace by the exhaust system and collected in the bag house.

Importance of finding out if specs. for scrap. No specs. any cleaning of metal before melting?

Q What is a bag house?

A To me a bag house is an emission control device that contains fiberglass bags to separate the particular from the air.

Q Is that what is used at the Alliance facility?

A Yes.

Q How is the emission drawn from the furnace into the bag house? Is there a fan that draws it?

A There is a fan that sucks, if you will, the air and carrying with it, the effluent off the electric arc furnace.

Q And that air is then driven where?

A Filtered through the bag house compartments.

Q Are you familiar enough with this system to draw a diagram of the furnace and the adjoining bag house and the

pathway of the airborne dust?

A Yes.

Q Can you draw that for us?

- - - - -

(Plaintiff's Exhibit C
was marked for identification.)

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Q If you could, start with the furnace, the electric arc furnace and how it is connected to the bag house.

A Can I draw a schematic with no relationship to scale or anything?

Q Sure.

A (Witness complies.)

Q You have drawn a circle with EAF in the middle of it. Is that the electric arc furnace?

A Right.

Q Coming from that is a line which runs alongside an arrow into a box which is labeled BH, and that is the bag house?

A Right.

Q Extending out of the bag house is what looks like piping with a circle labeled "Fan." Does that fan operate to draw the air from the furnace through the bag house? Is that the only fan there?

A Yes.

Q To the right of the fan or the other side of it away from the bag house side, there is just an ending there. Is that the emmisions pipe, the stack?
A I believe that's it.
Q Where in this system are the filters that you explained were operating?
A In the bag house.
Q How many filters are in that bag house, do you know?
A No, I do not know.
Q And they filter out particulate matter?
A Yes.
Q And then what is exhausted is air?
A Correct.
Q Where is the particulate matter collected?
A At the bottom of the bag house on a hopper in a collection area. It's an area for that purpose.
Q The area for the purpose of collecting the dust is called the hopper?
A The bottom portion of the bag house, yes.
Q Can you draw on the bottom of the box here labeled as bag house what the hopper might look like?
A This is just a schematic, meaning this represents the bag house. It does not look like the bag house. It's not representative of where the inlet is.
Q I understand.

Can you draw for us a diagram of what the hopper area looks like of the bag house? If you can, draw a side view or whatever is most convenient for you.

A (Witness complies.) This would be the V shaped area below the compartment that contains the bags.

Q If you can, draw an arrow to the V shaped area. Is that the hopper?

A Well, it's the hopper portion of the bag house.

Q Okay.

If you could, just mark an H by that.

A (Witness complies.)

Q And then the area above that is also part of the bag house where the filters are contained?

A Yes.

Q The other portion of the diagram, there is a line that extends from the EAF to the bag house?

A Yes.

Q What is that line? Is that pipe?

A Duct work.

Q What is the diameter of that duct work?

A Exactly, I don't know. In the neighborhood of three to four foot in diameter.

Q How is it connected to the furnace or is it connected to the furnace?

A The duct work begins on the roof of the furnace and

proceeds through the wall and goes outside the building parallel with the outside wall to the bag house.

Q Do you know how it's attached to the top of the furnace?

A I believe it's fastened on with nuts and bolts, I assume, some physical connection.

Q How about the connection to the bag house? Are you aware of how it's attached to that?

A At this end, it also is welded in place.

Q This pipe or duct work, what is it made out of?

A I believe stainless steel.

Q Has this bag house been added to the furnace at ASF or was it built at the time that the furnace was installed?

A It is my understanding it was built at the time the furnace was installed as one project.

Q When was the electric arc furnace installed at that facility?

A I do not know the exact date.

Q Do you know roughly when?

A '69, 1969 or '70, that time period.

Q That's when the furnace was installed?

A Yes.

Q And it was installed at the same time as the bag house system?

A From what I have been told, yes.

Q How long has American Steel Foundries been in operation at Alliance?
A I do not know.
Q Was it pre-1969?
A Yes.
Q Did they use a different type of furnace other than this arc furnace at that time?
A Yes, I understand we used another furnace.
Q That wasn't a blast furnace?
A No, sir.
Q Do you know what type it was?
A It was called an open hearth furnace.
Q Are the open hearth furnaces still in use at American Steel Foundries?
A No.
Q Is this the electric furnace the only one in use?
A Other than the furnaces used for heat castings, that is the only furnace used to melt steel.
Q When the airborne dust enters into the bag house, you said it goes through a series of filters; is that correct?
A Yes, it passes through filters.
Q Does the dust accumulate on those filters?
A Yes.
Q Do those filters ever clog?
A Not to my knowledge, no.

Q Are those filters mechanically shaken from time to time to shake dust off of them?
A They are mechanically shaken.
Q And is it through that mechanical shaking that the dust falls to the bottom of the bag house into the area labeled H for hopper?
A Yes.
Q Can the hopper area be detached from the bag house?
A No.
Q Is it engaged within one system? In other words, is it one unit, one device that includes the hopper area?
A Yes.
Q What is the nature of the dust? What does it look like? Have you inspected it and know the answer to that?
A Yes.
Q Okay.
A It's a dry, fine material, redish brown in color.
Q Is it finer than sand?
A Yeah, I would say it is finer than the sand we use in our foundry.
Q Does it have the consistency of baking flour or baking powder or is it more course than that?
A I would think it would be more course. Again, that's a subjective determination. You might say it is and I might say it isn't. I would say it's finer than sand. There are

sands that are finer than the dust, though.
Q What is it made out of? Is it simply metal particles or other materials?
A That's what I referred to as a collection of metal oxides.
Q Explain that, if you would.
A The particulate when analyzed, the test report comes back and has various oxides of metal.
Q How often has ASF performed tests on electric arc furnaces?
A What kind of tests?
Q EP toxicity tests.
A Very often.
Q Pardon me?
A Very often.
Q Are you familiar with the test results of the EP toxicity tests that were performed on the dust?
A Yes.
Q To your knowledge, has this dust ever tested to be toxic?
A The dust by itself has tested EP toxic.
Q Would you consider that a hazardous waste under RCRA?

MR. SCHILLAWSKI: Objection to the extent that it calls for a legal conclusion on the part of the lay witness here.

Q Are you familiar with the RCRA regulations as they pertain to hazardous waste?
A Somewhat familiar, yes.
Q Is it your understanding that EP toxic substances were considered hazardous waste under RCRA?
A Yes, I generally understand that, yes.
Q So would it be your conclusion that if this dust tested EP toxic, as you said it has, that it is a RCRA hazardous waste?

MR. SCHILLAWSKI: I am going to interpose an objection here again. There are many other constituents and inquiry which need to be made to any material besides whether it's a RCRA hazardous waste.

A The way I understand the regulations -- I assume I can continue?

MR. WEISMULLER: Yes.

A That if you were to dispose of this, it would be regulated as it is. As it is, it would be a regulated material, as is.
Q In other words, if the electric arc furnace dust were taken out of the hopper and disposed of in a landfill in Sebring without any treatment or anything else, that would be disposal of hazardous waste in your understanding?
A Well, I don't know if I would use those words.

Q Well, disposal of a regulated substance.
A Well, the material, if it was disposed of as is, would be a regulated material. I don't know if it would be classified as a quote "hazardous waste."

MR. WEISMULLER: Let's take our lunch recess here.

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(Luncheon recess had.)

August 30, 1989

1:30 p.m.

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(EXAMINATION) CONTINUED

BY MR. WEISMULLER:

Q Before we get started, it's my understanding that you need to leave at 2:30?

A Yes.

Q Rather than catch a plane at 2:30?

A Right.

Q That's fine.

Let me clarify a few of the things that we talked about earlier, Mr. Ruud.

I believe you mentioned there was from the bag house emission or effluent. Did you use either of those terms? I am trying to clarify there was any liquid emissions that came out of the bag house.

A What bag house?

Q The one connected to the electric arc furnace.

A There was no wet emissions.

Q Are there any other bag houses at ASF or is that the only one, the one we discussed earlier?

A There are other bag houses.

Q How many other bag houses are there?

A I believe they are two.

Q What is the purpose of these two other bag houses?
A There is a bag house on a device called a shot blast. It collects the dust that is generated in the process of shot blast casting.
Q What does shot blasting do?
A Imagine, if you will, thousands of shotguns being fired simultaneously at a steel casting. It is designed to remove any surface imperfections and scale on the surface of the casting, so that any imperfections can be observed and repairs can be accomplished.
Q How is the dust generated in this operation?
A In the shot blast?
Q Yes.
A Through the process of incredible viscosity and abrasion of steel shot being impinged upon the steel surface and casting.
Q What does the dust consist of?
A Broken pieces of steel shot, scale, fine particles of steel, metal and silica, dust.
Q Is there one area at the ASF facility where the shot blasting takes place?
A There are two shot blasts. There must be more than two bag houses additional to what we're talking about.
Q Can you draw an Exhibit A roughly where those are?
A I believe there is one here. (Indicating.)

Q Can you mark it with a letter D?
A We already used D.
Q How about E?
A (Witness complies.)
There is a second one in this area.
Q Mark that with an F.
A In that general area.
Q Has the dust from the shot blast operations ever been tested to determine whether it is EP toxic?
A Yes.
Q Do you know what the results are of those tests?
A Not the specific.
Q Do you know whether the dust has tested as EP toxic?
A It has not tested as EP toxic.
Q Do you know on how many occasions this dust has been sampled and tested?
A I recollect at least two specific times it was tested that I recall.
Q Do you know when those times were?
A I believe one was in 1980 initially and subsequent, I believe, at a later inspection somewhere in '85, '86.
Q Do you know whether the State of Ohio was involved in any of the inspections?
A Yes, both of them, I believe, the tests were done with the Ohio EPA.

Q Does this dust get disposed in any way from the shot blast bag house?
A Yes, it is disposed.
Q How is that done?
A Taken to our landfill.
Q Is this dust mixed or treated in any way before it's taken to the landfill?
A Not to my knowledge, no, sir.
Q That's the Sebring landfill?
A Correct.
Q Has this procedure been the same from 1980 until present, the procedure of disposing the dust from the shot blast bag house at Sebring?
A I do not know if it has changed or not.
Q Do you know who at the facility might have more knowledge about the shot blast discharges from the bag houses than are in the bag house?
A Other than it is performed by the yard department, no.
Q So is the shot blasting under the control of the yard department?
A No. The shot blasting is the portion of our cleaning and finishing department.
Q Who runs that department?
A The cleaning and finishing.
Q Yes.

Potential follow up question

A Robert Brennan.
Q How long has he been in that position?
A Somewhere around '85, '86, last four years or so.
Q And who was in that position prior to Mr. Brennan?
A Dave Smith.
Q Is Mr. Smith still with Amsted?
A No.
Q Is the amount of shot blast tied to the overall production rate at the facility?
A It would have to be tied somewhat. Whether that relationship is linear or not, I do not know.
Q Why wouldn't it be linear?
A The extent of sand adhesion to the castings may vary. The type of steel shot that is purchased, some is frankly better than others. Some last longer. There are a number of considerations. The maintenance on the device. If it,s not maintained properly, it will not run as well.
Q Do you know whether the analysis that was performed on this dust was the acid leach EP toxic analysis?
A I believe it was, yes.
Q You mentioned there were other bag houses apart from the shot blast bag houses. Can you tell us a little bit about those?
A I believe there is a bag house that is situated over and area called cooling bed that again collects dust

generated through the sand handling system.
Q What is the consistency of that dust? What is in it?
A What is in it? It would be sand particles.
Q Is it before the sand is washed or after the sand is washed?
A I cannnot say. I do not know.
Q What department has responsibility for that operation?
A Exactly, I don't know what the sand handling system covers, so I can't specifically state, you know, who has that under their control.
Q Do you know how that dust is disposed of?
A Yes.
Q Is it also trucked to or taken to Sebring?
A Yes.
Q Is it treated in any way before it's taken there?
A Not to my knowledge.
Q Do you know whether there has been any chemcial analysis performed on that dust?
A I believe so, yes.
Q Have any of the results shown this dust to be EP toxic?
A No.
Q Was the analysis of that dust performed in conjunction with or at the direction of the Ohio EPA?
A It may or may not be. I do not know.

Q How is the dust taken from the shot blast bag houses? By what method is it transported to Sebring?
A I don't know exactly.
Q Are these bag houses the same size or smaller than the electric arc furnace bag house?
A By appearance, much smaller.
Q They also have filters in them?
A Yes.
Q And do you understand how the dust is removed from the filters and taken out of the system?
A Basically, yes.
Q Would you describe that for us, please?
A They, in essence, operate the same method as the electric arc furnace bag house or furnace bag house, and that air is drawn through the duct work into the bag house where the particulate is collected on the filter bags and again mechanically shaken. The bags and the materials fall to an area below the bags.
Q To a device that's similar to the hopper area in the furnace bag house?
A Yes.
Q How often is that bag house, the shot blast bag house emptied and the dust disposed of?
A I do not know.
Q Let me ask you a little bit about the filters in the

electric arc furnace bag house. Do you know how big these things are?

A No.

Q Do you know whether the bag house is ever serviced or cleaned?

A No.

Q Do you know if the filters are ever replaced?

A It is my understanding that periodically the bags are replaced.

Q You mean the filters are replaced inside the bag house?

A Yes.

Q What is done with those filters? Are they disposed of?

A I do not know.

Q Do you know who might know how this system is serviced and who would know how the filters are cleaned or disposed of?

A The works engineer.

Q You mentioned earlier that the electric arc furnace tested EP toxic. Why did it test EP toxic?

A The results on the report.

Q Were there certain metals that --

A Yes.

Q Which were those?

A Cadmium and lead.

Q The diameter of the top of the torpedo car into which the slurry is poured, do you know how big that hole is in that opening?

A Exactly, no.

Q Do you have a rough idea? Is it a foot or two feet?

A I would estimate perhaps one foot.

Q Perhaps one foot?

A Yes.

Q And the pipe that the slurry comes out of you mentioned is somewhere in the area of five inches in diameter?

A Again estimated from a distance. It's up on the wall.

Q How is the truck or the torpedo car transported from the area where the slurry is added to it to the area where dust is added to it?

A During a period of time we did that.

Q Which was when?

A We did it until 1987.

Q May of '87?

A Yes. The container is --

Q If you want to draw on Exhibit B, you may do so if it's easier for you.

A A roll-off type truck is positioned adjacent to the tank and a cable is used to pull the tank on to the truck.

Q Is it pulled off of the platform underneath where the slurry is loaded into it. It rests on a platform; is that

correct?

A Correct.

Q Does the tank rest directly on the platform or does it have rails underneath it holding it up?

A Never having concentrated on looking at it, I assume it's on some kind of a rail.

Q And then a truck backs up, backs next to this platform and draws the tank on to the back of the truck; is that correct?

A Correct.

Q Once that's accomplished, where does the truck go?

A Well --

Q Does it go directly to the Sebring landfill or during the time from 1980 to '87, did it ever go to the Sebring landfill directly?

A Yes.

Q Would you consider this slurry a liquid?

A I don't know. We always called it a sludge.

Q Well, it's thinner than oil; right? We established that.

A Right.

Q The reason I asked, are you aware of any regulations that prohibit disposal of liquids in landfills in Ohio?

A Not by and far as a specific Ohio regulation, no.

Q How else would this slurry be disposed of other than

just directly into the landfill in its slurry form? I understand you would add dust to it on occasion. When that occurred, where would the truck be driven at the facility?

If you can, just draw a line on Exhibit A from where the slurry is put into the tank or into the torpedo car and where it goes to receive the electric arc furnace dust.

A From the location here. (Indicating.)

Q From location C following the road, the plant road, which is being marked with a red line.

A To the bag house located here. (Indicating.)

Q Could you mark a letter G by the bag house?

A (Witness complies.)

Q How far is that distance?

A Just guessing at 1,000 feet.

Q How is the dust transferred from the bag house in the hopper area into the truck? Can you describe that operation for us?

A I assume we're continuing to talk about --

Q From 1980 to May of '87.

A The truck was backed under the bag house directly beneath the discharge. Flexible tubes from the discharge were lowered into the opening on the tank and a timer was activated. When the timer stopped, the chute was jostled somewhat and to make sure there was no dust collecting in the tube. The tube was removed and the truck drove off.

When were these added to the system

Timer set for a specified amt of time regardless of amt in truck

Q At what temperature was the dust drawn into the bag house, how hot?

A I can't say. I don't know.

Q Would somebody in the metals lab be able to shed some light on that?

A I don't think so.

Q How long would the dust sit in the bag house before it would be transfered into this truck or torpedo car?

A It would vary depending on the level of operations.

Q During times of heavy operations how long would it be sitting there?

A Again, the period would vary depending on which amount of dust you're talking about. Perhaps as little as -- I really don't know the time that the dust is in the hopper area of the bag house. I know it is generally emptied once a day.

Q Is it ever emptied more than once a day?

A No, sir.

Q It's never emptied more than once a day?

A It is emptied when there is no more dust in it. We stop taking dust out of it.

Q That cycle only takes place once a day. It fills up with dust from the furnace, and the end of the day you pull a truck under there, empty it and drive it off?

A Are we talking to when we're doing this?

Q This time period now.
A No. It took several trips. I don't know how many it was. You didn't do it all at once, no, sir.
Q I see.
What was the purpose of the timer?
A To put in a specified amount of material.
Q Was the timer always set the same for the same period of time?
A I believe so, yes.
Q Do you know what time that was?
A No, I do not.
Q Was it a switch that a worker would turn on that would say sort of like a cooking timer and would say 15 seconds or 5 minutes or something like that?
A Well --
Q Was it an on-and-off type switch?
A I don't know what kind of device it was.
Q You don't know where the operator would dial in the amount of time needed?
A No, I don't.
Q The pipe which comes out of the hopper and goes into the truck, you mentioned that was a flexible hose?
A Yes.
Q What is the diameter of that hose?
A I don't know exactly.

Q Do you have a rough idea? Is it bigger than a foot or smaller than a foot?
A Somewhat less than a foot.
Q How far down into the truck did the hose go when you lowered the dust from the hopper into the truck?
A I don't know.
Q Did you ever observe the loading of this dust into the truck?
A Yes.
Q On the occasions that you observed it, did you notice that the hose was put into the truck?
A Yes.
Q Was it fixed and attached to the truck in any way? Was it screwed down, slammed down? Was any gadget system put on it?
A No.
Q When the hose was brought over the tank truck, torpedo car, and the dust began to fall through the hose, did you notice any residue or any emissions of dust as a result of that operation?
A No.
Q Did you notice that when the hose was taken out of the truck either that any dust fell out onto the tank truck or anything of that nature?
A No.

Q Is it possible that this could have happened and you didn't observe it?

MR. SCHILLAWSKI: I'll object to speculating as a possibility.

MR. WEISMULLER: You can answer.

A I suspect anything is possible.

Q Who is responsible for the operation of the bag house system for loading the dust into the tank truck?

Depo → A The yard department.

Q The yard department?

A Yes.

Q Do you know any individuals who were between 1980 and '87 responsible for this operation?

A The assistant works manager, I believe, had responsibility over the yard department.

Q Was he the one that physically moved the hose into the tank truck or did he have other workers that had that responsibility?

A Other workers would have been responsible for the work.

Q Do you recall the names of any of those workers?

A No.

Depo → Q Do you know whether ASF maintains lists of employees during the time period from 1980 to '87 even if they have already left the company?

A I assume thare are some personnel records. I do not

know where they are.

Q Who was the assistant works manager from 1980 to '87?

A The manager?

Q The assistant works manager, the person responsible for overseeing operation.

A John DeFlore.

Q Do you know whether the roll off container or the torpedo car, as you called it, whether it can be physically attached to the bag house hopper?

A Can it?

Q Is there a mechanism there on the bag house on the top of this torpedo car which enables the two units to join together to seal?

A There is the opening on the top of the tanker, torpedo car, and I know there is a flexible tube.

Q And that was the extent of it?

A That's correct.

Q Did you ever notice electric arc furnace dust in the area surrounding where the roll off container would be parked under the bag house?

A No, sir.

Q You never noticed any dust on the ground there?

A There may be dust on the ground. Whether it was electric arc furnace dust or not, I don't know.

Q Was that area ever swept and cleaned?

A I can't honestly say. I have not observed anybody sweeping or cleaning.

Q Are plant sweepings, the particles and scrap and the dust and the other things that are collected during routine sweeping and cleaning operations, are those disposed of at the Sebring landfill?

A By and large, miscellaneous cleaning debris, they dispose of it at the landfill.

Q Are there any other areas where miscellaneous cleaning debris is disposed of?

A To my knowledge, no.

Dlpo → Q What department is responsible for cleaning the plant, specifically the part of the plant underneath the bag house area?

A The yard department.

Q The yard department?

A Yes.

Q Has the electric arc furnace dust ever been removed from the bag house in a different fashion than you have described?

A Ever?

Q Before 1980.

A I have no knowledge.

Q You have no knowledge of that?

A No.

Mr. Weismuller, I was reminded that I should be a little more clear about the cleaning of that area underneath the bag house. That area is not paved, so limestone is placed there, and periodically that waste material was picked up and recharged back into the furnace in lieu of the normal lime that would be been placed in the furnace anyhow.

Q Why is limestone put underneath the bag house area?

A We have a limestone about that size that looks a lot like gravel and we have a tremendous supply of it.

Q So for sake of convenience more than anything else or economy?

A I believe that was the reason.

Q It would have nothing to do with the fact that the dust is EP toxic and the limestone might somehow treat that dust?

A No.

Q When the dust is transferred from the hopper into the tank, is there a routine practice of marking down the date and time when that dust is transferred into the tank?

A I don't know.

Q Did you ever observe any markings put directly onto the tank?

A No, I did not.

Q Do you know whether that was the practice at ASF to mark on the tank, and you may not have observed it?

A I don't know if it was.

Q How long would the tank sit underneath the bag house after the dust had been put into it?

A After the material is placed into the truck, the truck would leave for the landfill. Any delay would have been incidental.

Critical time allowed for mixing

Q Do you recall whether any annual reports have been filed to U. S. EPA or the Ohio EPA regarding the amount of dust placed into a truck on an annual basis, where it was disposed?

A No.

Q While the tank was being filled with dust, were there any waste determinations made by ASF?

A Could you rephrase it or restate it?

Q While the tank was being filled with dust or immediately thereafter, did ASF perform any waste determinations on the mixture or the contents of the tank?

A Yes.

Q How often was that done?

A Many times.

Q Can you be more specific?

A I could not count. Many reports. Many reports have been issued.

Q Every time ASF electric arc furnace dust was put into this torpedo car, was it ASF's practice to sample that load

Ask for ASF sample results.

each time prior to disposal?
A No.
Q Would you be able to tell us how often ASF would sample that? Was it every ten loads, every five loads, every --
A No, I don't, other than perhaps several times a year.
Q Several times a year?
A Yes.
Q Did you ever observe any electric arc furnace dust dispersion in the areas this truck was being loaded?
A Nope.
Q What is the dust removal efficiency of the bag house?
A An exact figure, no, but maybe 98, 99 percent.
Q What does that mean? Does that mean that some of the dust doesn't get captured by the filters and goes into the air or some of it remains in the furnace? What does that capturing efficiency represent?
A From the literature I have seen on this type of a emission control device, it merely states that the efficiency is some figure. What they mean that to be, I don't know.
Q How do your workers know when to empty the bag house?
A During what time period?
Q Between 1980 and '87.
A Still on that, okay. It was the normal practice to empty the bag house into the torpedo cars starting with the day shift. That was what they did. It was instructed by the

supervisor.

Q That's because there is a night shift, during which time dust would have accumulated in the bag house?

A Depending on the level of operations. Melting operations occurred at various times.

Q When this dust was put into the tank, was there always slurry already in the tank or were there times between 1980 and '87 when dust was added to the tank without any slurry in in it?

A To my knowledge, there always was slurry in the tank.

Q So it was never the case that dust was added to the tank and then it was driven over to the clarifier area where the slurry was added?

A That's correct.

Q It never happened that way?

A Right.

Q What were the ratios that these two components represented in the tank, the dust and the slurry?

A We estimated an average, per se -- not an average. It was a limit, I guess of 35, 36 to one meaning 35 or 36 parts of slurry to one part of dust.

Q And what was that, by weight or by volume?

A I think by weight.

Q Okay.

A I really -- I am not sure. I just assumed it would be

by weight.

Q Was there a control system in the area of the plant where the slurry was added, such as a timer or any other device?

A Not to my knowledge. I don't know.

Q How did the workers know how much slurry to put into the tank and when to shut it off?

A They inspected it, instructions through supervisors.

Q Those are the supervisors that would know intuitively when enough slurry had gone into this tank?

A Yes.

Q Did you ever notice supervisors standing over the tank and looking into it as the slurry was being added and measuring how much went in?

A No.

Q Did you ever see or do you know whether it's ASF's practice to measure with either a dipstick or any other device how much slurry is added to that tank?

A I do not know.

Q Who would know if ASF has such a process?

A The yard department. The department head for the yard department.

Q When dust is added to the tank, is it mixed in any way?

A No, other than the normal natural occurring mixing that

would occur on the way to the landfill.

Q So there is no -- is there a procedure whereby workers use some sort of steering device or an auger device or a mixture to swirl around the dust and the slurry while it is in the truck to insure that it forms one homogenous substance?

A No.

Q I thought I made that point. Maybe I didn't. On the amount of slurry that was added to the tanks, generally the same amount was added every time. It was always taken to a relatively full position for the prime reason of efficiency. You don't make unnecessary trips to the landfill. The employees are not paid by how many trucks they take out there. There is no incentive to take a half empty load. The tanks were full and they were taken.

A I don't know any better way than to explain.

Q By the same measure, isn't it possible that if there happened to be a lot of dust in the hopper and not very much slurry in the slurry system or in the clarifier system, wouldn't it make sense then to add less slurry and a lot more dust just as to fill up the truck?

A No, sir.

Q Why is that?

A The amount of slurry that is generated is dependent upon the operation of the sand washer, primarily. That is

the main constituent of discharge into the clarifier which generates the slurry. That equipment runs at a faster rate than the dust could ever be generated. There would always be full tanks of slurry to take to the landfill.

You asked me earlier if during that time period any tanks were taken out without any dust in them, and yes.

Q That then explains the reason why you would transport the slurry without the dust directly to the landfill just because more of it was generated?

A That's correct.

Q How did workers know when this tank was full if they didn't look into it or have any measuring device or dipstick or anything?

A I don't know.

Q Would that be something that the yard department would be able to tell us or the system works engineer or system works manager?

A I suppose.

Q Is the sand washing system at the facility which produces the slurry in any way connected physically with the electric arc furnace?

A No.

Q Are the products generated by the electric arc furnace and by the clarifier system in any way related to each other?

A I don't --

Q Are they dependent upon each other for the purposes of producing railroad parts?
A The operation of our facility, we reclaim our sand. It's normal practice of doing that. And also in the operations of the facility to make real castings. You melt steel.
Q There is no link between the electric arc furnace and the clarifier other than the truck driving from one to the other, is that correct, no physical link?
A Physical link, no.
Q There is no pipe that runs from the clarifier which holds the slurry over to the area where electric arc furnace dust is generated?
A Correct.
Q Have have you ever personally conducted the operation of adding dust to the tank?
A No.
Q How did ASF personnel take samples of this mixture? You mentioned that a couple times a year you would sample the contents of the truck. How was that done?
A In my understanding, the samples were collected at the landfill as the material was being deposited by collecting a portion of the waste, beginning, middle and end of the discharge.
Q How did ASF assure that these samples were

representative samples of the contents of the truck?

A By taking -- collecting the material from the beginning, the middle and end of the discharge from the truck.

Q Did ASF ever take a core sample, a sample which is drawn into a tube which extends from the top of the truck down into the load toward the bottom of the tank?

A I do not believe so.

Q To the best of your knowledge, all of the samples taken by ASF were by taking the beginning, middle and end of the load as it was being dumped?

A I believe so, that's correct.

Q This truck after the dust and slurry were placed in it and it was driven to Sebring to be dumped, how long would it take to dump a load?

A Out of the back of the truck perhaps several minutes.

Q How was the sample drawn by the truck?

A I don't know.

Q Did you ever observe that?

A No.

Q Were the results of those samples reported to either the Ohio EPA or U. S. EPA?

A In some cases, yes, they were.

Q If this sampling occurred a couple of times a year, as you earlier said between 1980 and '87, there must be

at least 14 or so of these sample results; is that correct?
A When I said a couple times a year, I might mean that it might be a period of time where no sampling was done. There was a time where several samples were taken, and like I said, I don't know the exact numbers of samples that were taken.
Q Did you ever witness the dumping of one of the loads at Sebring?
A Yes.
Q How many of these did you watch?
A I recollect one.
Q Do you know when that was?
A No.
Q These samples that you took, for what metals were they analyzed?
A Samples from the --
Q From the dumping at Sebring.
A EP toxic.
Q For lead, cadmium, barium, these types?
A Yes.
Q Chromium?
A The metals that are in the --
Q Federal regulations?
A Yes.
Q What type of test was used? Was it an acid leach test or water test in those cases?

A By and large we used the EP toxicity. At times we tested with the water leach aid.
Q Could you see a difference in results?
A At times, yes.
Q Were the results from the EP toxix test, the acid leach, did they ever show an EP toxicity in that discharge?
A All of the material out of the tank car?
Q Yes.
A No.
Q Why is it that ASF uses 36 parts clarifier slurry to one part dust? Where did that ratio come from?
A I personally have no knowledge where it came from.
Q Do you know whether ASF has ever done tests on different combinations of this mixture to see if different combinations would result in different EP toxicity readings?
A Yes.
Q Who would have done that testing?
A An outside laboratory.
Q Did ASF ever mix in different ratios in others than 36 to 1?
A Yes.
Q What were those ratios and what did they mix?
A 4 to 1, 4 to 1.
Q When was that?
A Exact date, I don't know. Early.

Q Do you recall being in the '80s?
A It may have been. I don't know the exact date of when it was done.
Q Did you just mix a little bit of the dust and the slurry for these tests or did you take a gallon of slurry and a quart of dust? How did that occur?
A I don't know. I believe they were lab samples.
Q So you're saying that ASF never disposed of a truck load that had a 4 to 1 combination at Sebring?
A I believe that's correct. Never did that.
Q But could it have been less than 36 to 1?
A There is a possibility of anything. We do not believe that it is possible for that to occur, because the slurry tanks were always filled to a pretty high level and a certain portion of dust was added to it.
Q Does the dust come out of this flexible hose in a steady stream or does it come out in columns or how is it removed from the hopper?
A The times I have observed it, it was a pretty steady stream. It's fed by a screw conveyor.
Q Inside the hopper?
A Yes.
Q Sort of like an auger system?
A That could be a term, I guess, yes.
Q Did ASF ever take measures to insure that its workers

did not mix in any other ratio other than 36 to 1?

A I believe we took the measures necessary and through proper job instruction how to do the task.

Q Was there any sort of training program that was required of employees before they would combine these two products?

A As a general rule in our company, it is policy to thoroughly train employees before they do their job.

Q And this 36 to 1 mixture or ratio would have been part of that training on how to achieve that ratio?

A I don't know.

Q Do you consider the combination of the slurry and the electric arc furnace dust as treatment under RCRA?

MR. SCHILLAWSKI: Objection as to calling for a legal conclusion.

Go ahead and answer.

A No.

Q You don't consider that true?

A No.

Q Is the electric arc dust EP toxic when it enters the --

A In that the dust tested EP toxic, I could conclude that it entered the tank as EP toxic.

Q Does treatment of this electric arc furnace dust take place anywhere at the ASF facility or at the Sebring facility?

MR. SCHILLAWSKI: Again, a continuing objection to any legal conclusions.

A No, I don't believe so.

Q Is the EP toxicity, when that characteristic removed from the dust, is it rendered non-toxic, non-EP toxic before it s disposed of at Sebring?

A Not being a scientist, I believe that the material when tested did not exhibit those characteristics. Why it didn't, I can't comment.

Q Okay.

Has ASF ever combined the dust with any other liquid other than the slurry in these tanks?

A To my knowledge, no.

Q And has ASF ever disposed of electric arc furnace dust alone without first combining it with slurry?

A To my knowledge, up until 1987, that is how it was done. Since that time, alternative procedures have been implimented before the dust is disposed of alone.

Q What happened after May of 1987 to the dust? How was it disposed of?

A We began a recycling program to return the electric arc furnace dust back to the electric arc furnace for a period of time. Subsequent, we collected the waste material, sent it off to Morstead Resource for metal recovery.

Following that, we sent the material to a corporation Horsehead

for treatment and disposal. Subsequent to that, we sent our dust to Chemical Waste Management for disposal.

Q How long did ASF recharge the dust into the furnace?

A Approximately six months.

Q And how was that done? How was the dust transported from the bag house back to the furnace?

A As before, the same process essentially occurred. Rather than putting the dust into a torpedo car, the dust was loaded into 55-gallon drums and returned to the melted metals department whereby electric magnets and cranes were used to replace the dust.

MR. SCHILLAWSKI: I am going to insert an objection as to matters outside the scope of RCRA in a jurisictional sense as well as an empirical sense. As you know, it's our position that the recycling operation is exempt from RCRA.

MR. WEISMULLER: I didn't know that was your position. Now I know.

Q Was the drum and the dust put into the furnace or was the drum opened and just dust poured in?

A The drum upon filling was covered and sealed, clamp-type seal. The entire drum and its contents was loaded into the furnace.

Q Did you observe the filling of these drums under the

bag hoist?

A Yes.

Q Did you notice any dust spilling onto the ground or onto the limestone during this operation?

A No.

Q How was it actually put into the drum? Was the flexible hose used to bring the material from the bag house hopper into the drum or was there a different mechanism used?

A Essentially, the flexible tube was used. The drums were placed directly beneath the discharge.

Q Was the tube long enough to extend into the drum?

A Yes, sir.

Q Did you ever notice any airborne emissions as a result of this? When the dust would come out, would it disperse into the air?

A Not out the drum. As it came out, you would see it in the drum, but not to blow around, no.

Q Is this area underneath the bag house protected from wind and the elements? Is it under a cover?

A The area beneath the bag house is beneath the bag house, so it is obviously not an open area. There are no walls to the west or -- I better correct that. General directions of west and north, it is protected from the east and south.

Q Are you aware of whether Amsted or American Steel Foundries has a permit for mobile treatment of hazardous waste?

A No.

Q You're not aware of it or you know that it does not exist?

A I know of no such permit.

Q Do you know whether American Steel Foundries has an EPA identification number for the transportation of hazardous waste?

A No.

Q During 1980 and May of 1987, did American Steel Foundries use a manifest system for the transportation of the electric arc furnace dust from the Alliance facility to the Sebring landfill?

A The manifest system, as I understand it, we utilize when we send dust to another site like we do now. That type of system we did not use.

Q And those are the manifests that have been produced by American Steel Foundries at its plant that show electric arc furnace dust transported to the recycling and waste management plant; is that correct?

A Yes.

Q Did American Steel Foundries follow labeling and packaging procedures required for hazardous waste transport

between 1980 and '87 for the transportation of electric arc furnace dust?

A The material that was disposed of was not a hazardous waste and therefore, no.

MR. SCHILLAWSKI: I am going to object to the legal conclusion.

Q But your answer is no, it did not use a labeling procedure or packaging as required by RCRA regulations for hazardous waste in its transportation of the electric arc furnace dust.

MR. SCHILLAWSKI: I'll object. He answered the question.

MR. WEISMULLER: Go ahead.

A We didn't dispose of electric arc furnace dust. We disposed of chromium mixture or whatever term to describe the waste. That wastes did not exhibit and was not characteristic of hazardous waste, and therefore we did not put any placards or manifests as we do now.

Q So your answer is no, for the disposal of the contents of that tank which included both dust and the slurry, you did not follow the labeling and packaging procedures as required for hazardous waste?

MR. SCHILLAWSKI: Once again, objection.

A No, we did not, because it wasn't --

Q Mr. Ruud, let me ask you a couple of clarification questions. You mentioned that you and other individuals fed information to the decision makers at ASF, the vice president of manufacturing, I believe, who had the ultimate responsibility for deciding questions of environmental compliance; is that correct so far?

A We all gave opinions and expressed the input, yes.

Q Who was it at American Steel Foundries or at Amsted or did anybody inform the president or the decision maker that combining the slurry and electric arc furnace dust was not treatment under RCRA?

MR. SCHILLAWSKI: Again, objection to a legal conclusion.

MR. WEISMULLER: I am not asking for a legal conclusion. I am asking if anybody informed the president that this combination of slurry and dust was not treatment.

MR. SCHILLASWKI: I'll object to it again.

Q Did you advise him or that person that this combination was not treatment?

A I don't know.

Q Do you know whether Amsted's legal department was involved in that or served in the determination as to whether or not this was treatment?

MR. SCHILLAWSKI: Objection again as to privilege. I am going to make it continuing so I can stay out of the conversation.

A Amsted Legal consulted us or advised us in all matters such as this. I don't know.

Q Did the sampling people at ASF have any training in how to take samples of the electric arc furnace dust when it was sampled and also of the slurry and dust combination that was disposed of at Sebring?

A I don't know who would have done such training.

Q Do you know whether ASF hired outside consultants to do the sampling or was it formed by ASF personnel?

A The samples we have been talking about of the mixture, and that's as far as I know, have all been done by ASF personnel.

Q Actually been drawn by ASF personnel and sent out for an analysis at other labs or --

A They were drawn by ASF personnel and sent out for samples.

Q Who were the people that did this? Who took the samples?

A I know of one individual who took samples. Whether that person has taken them all, I can't say.

Q Who was that?

A Terry Bradway.

Q What position did he hold at ASF?
A Facility engineer.
Q Did ASF ever require its samplers to go to outside training courses in sampling methods?
A No.
Q Were you ever trained in sampling methods?
A No.
Q You mentioned you had a one-day training in RCRA. What did that training consist of, if you recall?
A What I recall is a general overview of the regulation. That was all.
Q Was it specific to the type of wastes that are generated at the Alliance facility?
A Well --
Q Was it tailored to those sorts of waste?
A No, I don't recall. I recall that it was not.
Q You mentioned also earlier that it was the practice of ASF to put limestone under the bag house area?
A Yes.
Q What was the color of this limestone when it was put there?
A I am somewhat color blind.
Q Was it very light?
A You know, it was lighter than blacktop, a lighter color compared to dark, yeah.

Q Do you have any knowledge of electric arc furnace dust ever falling onto the limestone underneath the hopper?
A Yes.
Q When did that occur and how much dust was found there?
A An incident was reported above -- I'm trying to get the timing straight. It was reported when a roll off container used to transport the material off site for treatment of small amounts, perhaps 100 pounds. I don't know if that was the weight, just an amount more than a little bit, was spilled out the back of the container as it was being picked up. This would have occurred this last February, March, somewhere around there. I think it was early 1988.
Q What was the response to that spill?
A The supervisor was informed. Immediately the area was -- people were sent there, the yard department. They shoveled the material back into the container including the limestone, and any limestone that was discolored was placed into 55gallon drums, sealed, recharged back into the furnace.
Q Why did Amsted recharge? You mentioned earlier that it recharged or placed a lot or all of this limestone periodically into the furnace that was under the hopper. Why did it do that?
A Rather than throw it away. It's a usable product.
Q Why would you need to throw it away? Why couldn't it

remain under the hopper?

A That area is right adjacent to a truck scale, an area where all our trucks pass. Every supply truck comes by this area. And with the debris and the like that comes in with the trucks and rain, the area would have become muddy in certain portions. That also happens to be the area where all visitors come. In order for it not to look like a pigsty, we tried to dress up the area.

Q Are there any other areas of the plant where you place limestone on the ground and then later collect it and put it into the furnace?

A There was an area down near the same place that limestone was used, and it was recently blacktopped to permit normal cleaning technics.

Q And this was near the bag house you said?

A I wouldn't say near it. Perhaps 100 feet away.

Q What part of the plant was that?

A I believe this area here was all blacktopped, and I believe additional areas in this portion right here as well.

Q If you can just mark an H in the general area there.

A (Witness complies.)

Q Just one more general question before we need to close for today. Why is it that American Steel Foundries decided to combine the slurry and the electric arc furnace dust?

A I don't know. That's before I became responsible -- more involved in the program.
Q You were never told as part of your training earlier? You mentioned that Amsted provides training to its employees? You weren't given the background as to why this decision was made, what its purpose was?
A All I can recall is that that was the practice when I became aware of it. And I don't know specifically -- I can't say that someone told me any specific reason for doing it.
Q And that was the practice in 1980 when you started with the company?
A I assume. I don't know.
Q Do you know how long before 1980 that process was used?
A No.
Q Do you know whether it was used before 1980?
A No.
Q The Sebring landfill, do you know what year that first came to use by ASF?
A Not really, I don't.

MR. WEISMULLER: Can we go off the record?

(Discussion had off the record.)

MR. WEISMULLER: I'd like to just note that counsel have made an agreement that this deposition will be continued in Chicago at a

agreed upon date. I would also like to say that it's the United States' position that any subsequent depositions to this that pertain to the 30 (b) (6) notice, which I'll enter as an exhibit, should also be taken in Chicago. That includes other witnesses that may need to be called to respond to the subject areas listed in attachment A to that notice.

And if counsel has any objection to that arrangement, please let us know.

MR. BARNES: I think with respect to the other people, we discussed that Chicago is fine. Continuation of Mr. Ruud is fine. It depends on who we are talking about. We will be happy to comply with --

MR. WEISMULLER: The reason I am going to insist that the deposition take place in Chicago is because the 30 (b) (6) notice specifically requested a series of areas which Amsted was to be deposed on. And Mr. Ruud, although, he has a lot of knowledge regarding certain areas, his knowledge is not such that it covers the entire notice.

MR. BARNES: Didn't your notice indicate either Cleveland or Chicago?

MR. WEISMULLER: It did, but --

MR. BARNES: You used the term, "insist." That seems entirely inconsistent with the way things have been conducted so far. We will be glad to talk about this. Our position is on the record.

MR. WEISMULLER: Is there anything else that we need to do before we close?

MR. BARNES: No.

MR. SCHILLAWSKI: No.

MR. WEISMULLER: That's it.

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(Deposition adjourned.)

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CHARLES RUUD

The State of Ohio,)
) SS: CERTIFICATE
Cuyahoga County.)

I, Caryn L. Lott, Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named CHARLES A. RUUD, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by him/her was by me reduced to stenotypy in the presence of said witnesses, afterwards transcribed upon a computer, and that the foregoing is a true and correct transcript of the testimony so given by him/her as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, counsel or attorney of either party or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this 13th day of September, 1989.

Caryn L. Lott, a Notary Public
in and for the State of Ohio.

My Commission expires: 10-8-90.

CERTIFIED COURT REPORTERS

950 CITIZENS BUILDING

CLEVELAND, OHIO 44114

COMPUTER-AIDED TRANSCRIPTION

FEATURING **KEY-WORD** INDEXING

PLAINTIFF'S EXHIBIT
A
Aug 30, 1989

— PIT C —

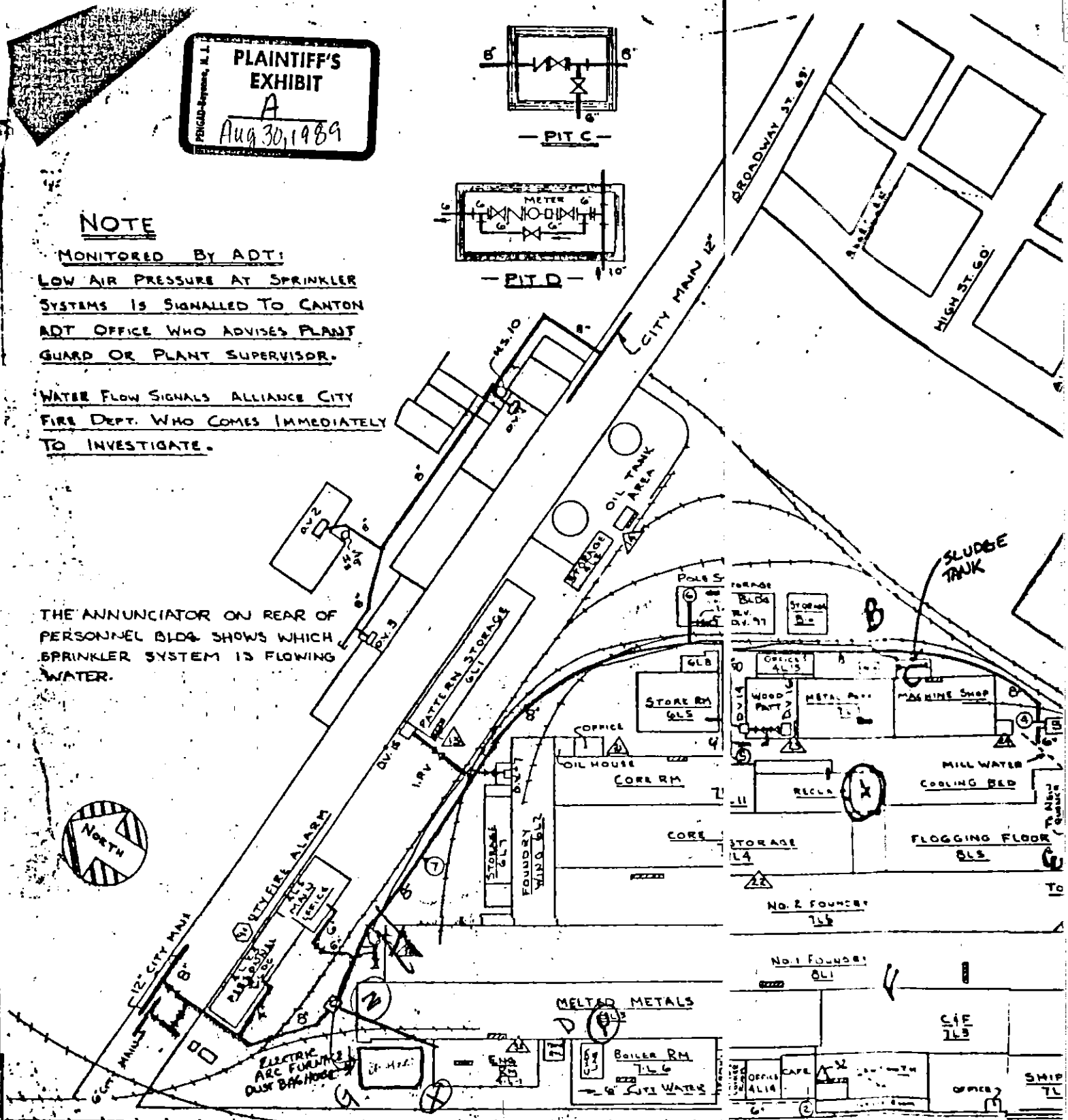
— PIT D —

NOTE

MONITORED BY ADT:
LOW AIR PRESSURE AT SPRINKLER SYSTEMS IS SIGNALLED TO CANTON ADT OFFICE WHO ADVISES PLANT GUARD OR PLANT SUPERVISOR.

WATER FLOW SIGNALS ALLIANCE CITY FIRE DEPT. WHO COMES IMMEDIATELY TO INVESTIGATE.

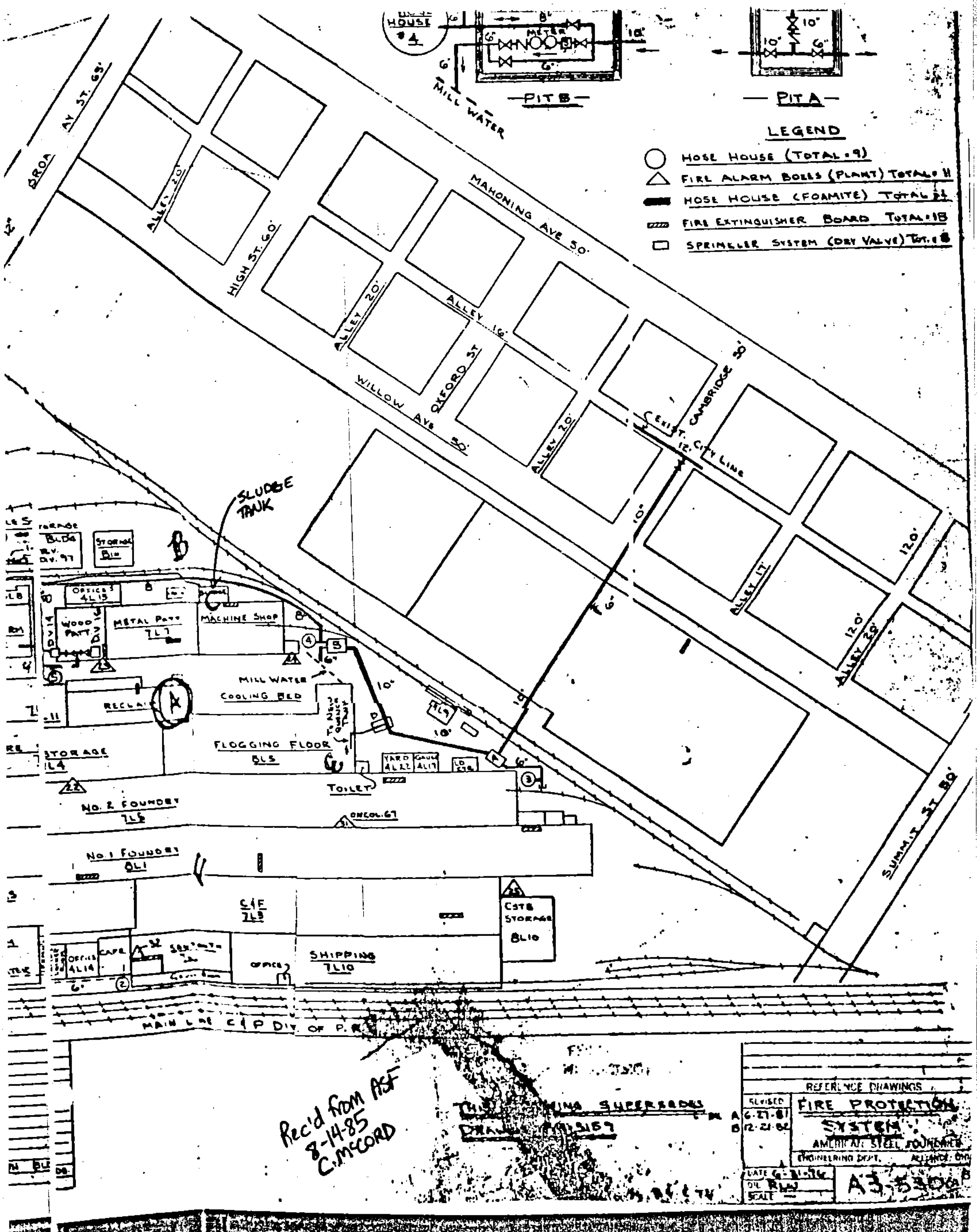
THE ANNUNCIATOR ON REAR OF PERSONNEL BLDG SHOWS WHICH SPRINKLER SYSTEM IS FLOWING WATER.



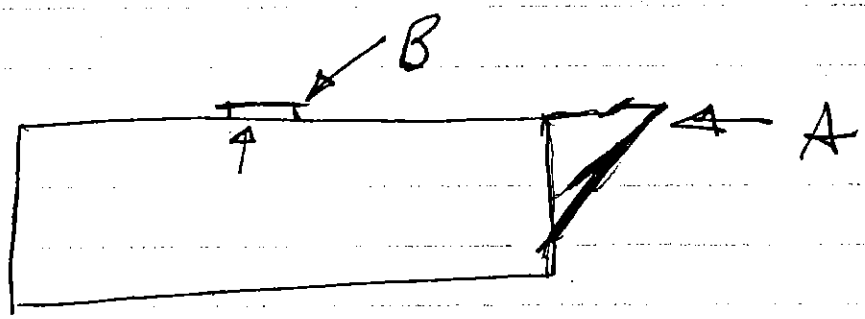
FIRE ALARM BOXES

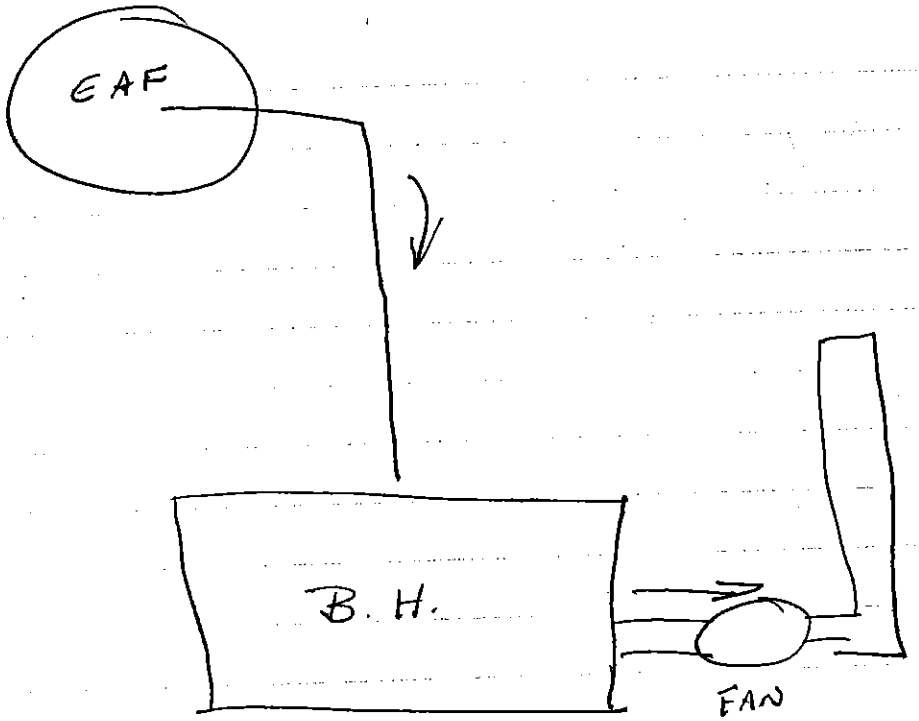
No	Location
12	ON No. 5 HOSE HOUSE SOUTH OF MAINGATE
13	ON S.W. CORNER OF PATTERN STORAGE BLDG
14	ON S.E. CORNER OF OIL PUMP HOUSE
21	ON FLAG POLE IN FRONT ON EAST SIDE OF CORE ROOM
22	ON NORTHWEST CORNER OF AREA MAINTENANCE
23	ON WEST WALL OF PATTERN SHOP
24	ON S.W. CORNER OF MACHINE SHOP OFFICE
25	ON S.W. CORNER OF CITY SCALE HOUSE
31	ON E. COLUMN SOUTH OF [illegible]
32	ON N.E. CORNER MAIN TOILET IN S.W. CORNER OF SOUTHERN BL
33	ON EAST SIDE OF [illegible]

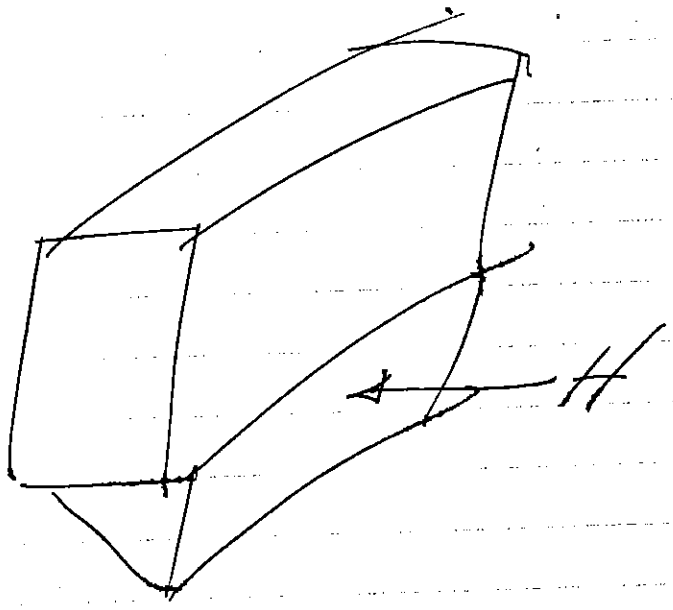
Rec'd fr
8-14
C.I

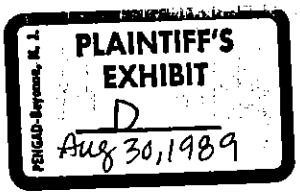


HOSE HOUSE #4
METER
MILL WATER
— PIT B —
— PIT A —
LEGEND
HOSE HOUSE (TOTAL: 9)
FIRE ALARM BOXES (PLANT) TOTAL 11
HOSE HOUSE (FOAMITE)
FIRE EXTINGUISHER BOARD TOTAL 18
SPRINKLER SYSTEM (DRY VALVE)
BROADWAY ST. 65'
ALLEY 20'
HIGH ST. 60'
MAHONING AVE 50'
ALLEY 16'
OXFORD ST
WILLOW AVE 50'
CAMBRIDGE 50'
EXIST. 12" CITY LINE
ALLEY 17'
SUMMIT ST 80'
SLUDGE TANK
STORAGE BLDG
STORAGE BLD
OFFICE 4L15
WOOD PATT.
METAL PATT 7L7
MACHINE SHOP
MILL WATER
COOLING BED
RECLAIM
FLOGGING FLOOR 8L5
STORAGE 1L4
YARD 4L12
TOILET
No. 2 FOUNDRY 7L6
ON COL. 67
No. 1 FOUNDRY 8L1
C&F 7L8
CSTG STORAGE 8L10
OFFICE 4L14
CAFE
SHIPPING 7L10
OFFICE
MAIN LINE C&P DIV OF P.R.R.
Rec'd from ASF 8-14-85 C. McCORD
THIS DRAWING SUPERSEDES
REFERENCE DRAWINGS
REVISED
A 6-27-81
B 12-21-82
FIRE PROTECTION SYSTEM
AMERICAN STEEL FOUNDRIES
ENGINEERING DEPT.
ALLIANCE, OHIO
DATE
DR. RLW
SCALE
A3-5306









File

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. AMSTED INDUSTRIES, INC. d/b/a AMERICAN STEEL FOUNDRIES, Defendant.	Civil Action No. C87-1284A JUDGE LAMBROS

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, on June 29, 1989, beginning at 10:00 am, Plaintiff shall take the deposition of Amsted Industries, Inc. at the offices of the United States Attorney, Northern District of Ohio, 1404 West Ninth Street, Suite 500, Cleveland, Ohio, or, at Defendant's election, at the Environmental Protection Agency, Region 5, Office of Regional Counsel, 111 West Jackson, 3d floor, Chicago, Illinois. Said deposition will be taken before court reporters, or other competent authority authorized by law to administer oaths, shall continue from day to day until completed and shall be used for such purposes as are authorized or permitted under the Federal Rules of Civil Procedure.

Pursuant to Fed. R. Civ. P. 30(b)(6), the deponent, Amsted Industries, Inc., shall designate one or more officers, directors, or managing agents, or other persons who consent to

testify on its behalf to appear and testify under oath to the subject areas listed in Attachment A hereto. Amsted shall designate as many witnesses as necessary to enable it to testify competently to all listed subject areas.

You are invited to attend and cross examine.

Sincerely yours,

Acting Assistant Attorney General
Land and Natural Resources Division

By: Kurt Weissmuller

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ATTACHMENT A

For the time period beginning with the installation of the baghouse at Amsted's Alliance, Ohio facility through 1987, Amsted Industries, Inc. is requested to designate individuals to testify to the following:

1. The production and chemical composition of electric arc furnace dust generated at the American Steel Foundries ("ASF") Alliance, Ohio facility, including the volume of such material generated, the method of its collection in the baghouse and any chemical or other analysis performed on the material.

2. The production and chemical composition of the clarifier sludge and/or slurry generated at the ASF Alliance, Ohio facility, including the volume of such material generated, its method of collection, and disposal.

3. The operation, model and design and capture efficiency of the baghouse used at the ASF Alliance, Ohio facility.

4. The process used to empty electric arc furnace dust from the baghouse, including the equipment and labor used to empty the dust, the frequency of emptying the baghouse and a description of the container into which the dust is transferred.

5. The process used to dispose of clarifier sludge and/or slurry, including the equipment and labor used to dispose of the sludge/slurry, the frequency with which Amsted disposes the sludge, the volumes disposed and a description of the container into the which the sludge/slurry is transferred for disposal.

6. The process used by Amsted to combine the electric arc furnace dust and sludge/slurry, including the method of operation of the roll-off container/tank truck, the ratio of dust to sludge/slurry and the procedures used, if any, to mix these substances before disposal.

7. The method of transporting the electric arc furnace dust and sludge/slurry mixture from the Alliance facility to the Sebring landfill, including the number of times per month the mixture was transported.

8. The description, monthly volume and chemical composition of all hazardous and non-hazardous wastes deposited by Amsted into the Sebring landfill, including also a description of the areas of the Sebring landfill used to dispose of various types of wastes.

9. The procedure used by Amsted to dispose of the electric arc furnace dust and sludge/slurry mixture at the Sebring landfill, including the areas of the landfill used for disposal, the

volumes disposed of at those locations and the frequency of disposal.

10. The testing or chemical analysis, if any, performed by Amsted or at Amsted's request, of the electric arc furnace dust, the sludge/slurry and the dust and sludge/slurry mixture.

11. The geology and hydrology of the Sebring landfill, including any groundwater monitoring or other tests performed at, or in the vicinity of, the landfill.

12. The release of any solid or hazardous waste from the Sebring landfill.